

The Gazette



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NOTICE

The under-mentioned Gazettes of India Extraordinary were published upto the 28th March 1953 :—

Issue No.	No. and date	Issued by	Subject
68	S. R. O. 549, dated the 18th March 1953.	Election Commission, India.	Election Case No. 3 of 1952 & Election Petition No. 55 of 1952.
69	S. R. O. 581, dated the 17th March 1953.	Ditto	Election Petition No. 70 of 1952.
	S. R. O. 582, dated the 17th March 1953.	Ditto	Election Petition No. 79 of 1952.
	S. R. O. 583, dated the 17th March 1953.	Ditto	Election Petition No. 120 of 1952 & Election Case No. 4 of 1952.
	S. R. O. 584, dated the 17th March 1953.	Ditto	Election Petition No. 284 of 1952.
	S. R. O. 585, dated the 17th March 1953.	Ditto	Election Petition No. 36 of 1952.
70	S. R. O. 583, dated the 21st March 1953.	Ditto	Election Petition No. 46 of 1952.
71	S. R. O. 587, dated the 19th March 1953.	Ditto	Election Petition No. 84 of 1952.
	S. R. O. 588, dated the 20th March 1953.	Ditto	Election Petition No. 67 of 1952.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes

PART II—Section 3**Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).****ELECTION COMMISSION, INDIA***New Delhi, the 24th March 1953*

S.R.O. 589.—In pursuance of sub-rule (5) of rule 114 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, the name of the person shown in column 1 of the Schedule below who having been nominated as a candidate for election to the House of the People from the constituency specified in column 2 thereof, and having appointed herself to be her election agent at the said election, has, in accordance with the decision given by the Election Commission under sub-rule (4) of the said rule, failed to lodge the return of election expenses in the manner required and has thereby incurred the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), is hereby published:—

SCHEDULE

Name of the Candidate	Name of constituency.
1	2
Shrimati Kamla Sahai	Deoria District (East)

[No. UP-P/52(90)/1863.]

New Delhi, the 25th March 1953

S.R.O. 590.—It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. BP-A/52(1), dated the 9th April, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively:—

Shri Bhawani Singh,
S/o Ramlal, Village Jet,
House No. 102, Tehsil Budni,
P.O. Dobi (Bhopal).

[No. BP-A(21)/1852].

P. N. SHINGHAL, Secy.

MINISTRY OF HOME AFFAIRS*New Delhi, the 27th March 1953*

S.R.O. 591.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Home Department, No. F.9/2/33-Ests., dated the 9th January 1934, namely:—

In the Schedule to the said notification, at the end of the existing entries the following sub-heading and the entries thereunder shall be inserted, namely:—

"Office of the Custodian General of Evacuee Property

Class II posts Custodian General Custodian General All"

[No. 7/6/53-Ests.].

S.R.O. 592.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendment shall be made in the rules published with the notification of the Government in the late Home Department, No. F.9-19/30-Ests., dated the 27th February 1932, namely:—

In the Schedule to the said Rules, under the heading "Ministry of Rehabilitation", the following sub-heading and the entries made thereunder shall be inserted after the entries under the sub-heading 'Office of the Custodian of Evacuee Property, Ajmer', namely:—

"Office of the Custodian General of Evacuee Property"

Class III and IV posts	Custodian General	Deputy Custodian General	All	Custodian "
				General

[No. 7/6/53-Ests.].

S. P. MAHNA, Asstt. Secy.

New Delhi, the 30th March 1953

S.R.O. 593.—In exercise of the powers conferred by sections 17 and 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government hereby directs that the following further amendment shall be made in the Indian Arms Rules, 1951, namely:—

In the Table set forth in Schedule VII to the said Rules the following further item shall be added, namely:—

(i)

(ii)

- (9) Such members of the Saurashtra Gram Rakshak Dal as are issued arms licences and are supplied with arms and ammunition by Govt. under the Village Defence Scheme.

Such arms and ammunition as are supplied by the State Government.

[No. 9/6/53-Police I.]

U. K. GHOSHAL, Dy. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 30th March 1953

S.R.O. 594.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply, until the 1st April 1954, to the Vysya Bank Ltd., Bangalore City, in respect of the shares of the Mysore Agricultural and Allied Industries Ltd., Shimoga (Mysore), held by it on the 9th February, 1951.

[No. F.4(65)-F.1/53].

N. C. SEN GUPTA, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

INCOME-TAX

New Delhi, the 24th March 1953

S.R.O. 595.—In exercise of the powers conferred by section 49A of the Indian Income-tax Act, 1922 (XI of 1922), and in supersession of the Notification of the Government of India in the late Finance Department (Central Revenues), No. 18-IT, dated the 21st February 1942, the Central Government hereby makes the following

rules for the grant of relief in respect of Income on which tax has been paid both in the taxable territories and in Aden, namely:—

1. These rules may be cited as the Income-tax (Double Taxation Relief) (Aden) Rules, 1953.

2. In these rules,

- (a) the expression "Aden Income-tax" means Income-tax and super-tax charged for any year in accordance with the provisions of the Aden Income-tax Ordinance, 1951;
- (b) the expression "Aden rate of tax" means the amount of Aden Income-tax divided by the amount of the income on which it was charged;
- (c) the expression "Indian Income-tax" means income-tax and super-tax chargeable in accordance with the provisions of any law in force in the taxable territories;
- (d) the expression "Indian rate of tax" means the rate determined by dividing the amount of income-tax paid in the taxable territories for the year in question by the amount of income on which tax was charged;
- (e) the reference to the lower of the two rates shall where the rates are equal, be construed as a reference to either of those two rates.

3. If any person who has paid by deduction under section 18 of the Indian Income-tax Act, 1922 or otherwise Indian Income-tax for any year on any part of his income proves to the satisfaction of the Income-tax Officer that he has paid by deduction or otherwise Aden Income-tax for that year in respect of the same part of his income, he shall be entitled to a refund calculated on that part of his income at a rate to be determined as follows:—

- (i) if he is resident in the taxable territories the rate at which refund is to be given shall be:—
 - (a) the Aden rate of tax, when that rate does not exceed half of the Indian rate of tax, and
 - (b) half the Indian rate of tax, in any other case.
- (ii) if he is not resident in the taxable territories the rate at which refund is to be given shall be:—
 - (a) half of the Aden rate of tax when that rate does not exceed the Indian rate of tax, and
 - (b) in any other case, the amount by which the Indian rate of tax exceeds half of the Aden rate of tax.

4(1). The application for refund of Income-tax under these rules shall be made as follows:—

- (i) if the applicant is resident in the taxable territories to the Income-tax Officer of the District in which the applicant is chargeable directly, to the Income-tax Officer of the district in which he ordinarily resides;
- (ii) if the applicant is resident outside the taxable territories to the Income-tax Officer appointed by the Central Board of Revenue.

(2) Such application may be presented by the applicant in person or by a duly authorised agent or may be sent by post, and shall be in Form I appended to these Rules.

5. No claim to any refund of Indian Income-tax or super-tax under these Rules shall be allowed unless it is made within four years from the last day of the financial year commencing next after the expiry of the previous year in which the income arose, accrued or was received or was deemed to have arisen, accrued or been received or was brought into the taxable territories.

6. An applicant for refund under these Rules may appeal to the Appellate Assistant Commissioner of Income-tax from any order of the Income-tax Officer disallowing the claim for refund either wholly or in part.

7. The appeal shall be presented within thirty days of the date on which the order of the Income-tax Officer was communicated to the applicant, and shall be in Form II appended to these Rules.

FORM I

(See rule 4)

Application* for relief from double Income-tax under the Income-tax (Double Taxation Relief) (Aden) Rules, 1953.

I, _____ of _____ do hereby state that I have paid [or, under the provisions of section 49B of the Indian Income-tax Act, 1922 (XI of 1922), must be deemed to have paid] Aden Income-tax/income-tax and super-tax amounting to Rs. _____ for the year ending 19 _____ on an income† of Rs. _____ and that Indian Income-tax/income-tax and super-tax of Rs. _____ has also been paid [or, under the provisions of section 49B of the Indian Income-tax Act, 1922 (XI of 1922), must be deemed to have been paid] on the same income†/part of the same income amounting to Rs. _____. I now pray for relief at the rate of _____ amounting to Rs. _____ to which I am entitled under the Income-tax (Double Taxation Relief) (Aden) Rules, 1953. My income from all sources during the "previous year" ending on the 19 _____, amounted to Rs. _____ only—see Return of income attached/already submitted.

Signature.

I hereby declare that what is stated herein is correct.

Dated

19

Signature.

S. No.	Persons	Income-tax Officer appointed by the Central Board of Revenue to whom application for relief should be made
1	2	3
1	Persons (excluding those who fall under Serial No. 5) not resident in the Taxable territories whose total income is made up of income wholly taxed at source or dividends or both.	Income-tax Officer, Non-residents' Refund Circle, Bombay.
2	Persons (excluding those who fall under Serial No. 5) not resident in the Taxable territories and not assessed through statutory agents under section 43 any part of whose income is derived from horse-racing.	Income-tax Officer, A Ward, Poona.
3	Persons not resident in the Taxable territories assessed through statutory agents under section 43 of the Indian Income-tax Act, 1922 whether their income arises in a single province or in more than one province.	Income-tax Officer of the District in which the statutory agent carries on the business by reason of which income-tax is chargeable in his name under section 42, or where he resides as the case may be.
4	Persons (excluding those who fall under Serial No. 5) not resident in the Taxable territories who do not fall under Serial Nos. 1 & 2 and not assessed through statutory agents under section 43 with any income for direct assessment (e.g. house property, interest, etc.).	Income-tax Officer of the circle in which arose the greater part of the income for assessment in 1953-54, or in the first year of assessment whichever year is later; provided that the same officer shall have jurisdiction for subsequent years so long as some income for direct assessment (not necessarily the greater part) continues to arise within his jurisdiction.

*In the case of the persons specified in the 2nd column of the following statement the application for relief shall be made to the Income-tax Officer specified in the corresponding entry in the 3rd column thereof.

†Where the income on which income-tax has been charged differs from that on which super-tax has been charged, both amount must be specified.

1

2

3

- 5 (i) Defence services employees under the audit control of the Field Controller of Military Accounts, Officers and Clearing House, Poona, and/or the Field Controller of Military Accounts, Other Ranks, Ambala excluding (a) Employees, whether civil or Military, who are members of, or are attached to the Military Accounts Department, and (b) Employees who are partners in a firm in the Taxable Territories or who have income from business carried on in the Taxable Territories.
- (ii) Persons resident outside India who at the time of departure from India were Defence Services Employees under the audit control of the Field Controller of Military Accounts, Officers and Clearing House, Poona, or previously Field Controller of Military Accounts, Poona, or the Field Controller of Military Accounts, Other Ranks, Ambala and who are not under the audit control of any other audit officer in India in respect of accounting periods during which they were Defence Services Employees in Indian Payment.
- (iii) Persons being widows or dependants of Defence Service Employees in the payment of the Field Controller of Military Accounts, Officers and Clearing House, Poona (or previously Field Controller of Military Accounts Poona) or the Field Controller of Military Accounts, Other Ranks, Ambala.

Income-tax Officer, attached to the Adjutant General's Branch, General Headquarters, (India) and stationed at Poona.

FORM II

Appeal from an order of the Income-tax Officer disallowing a claim for refund under the Income-tax (Double Taxation Relief) (Aden) Rules, 1953.

To

The Appellate Assistant Commissioner of Income-tax,

The day of 19 .

The petition of of post office District sheweth as follows:—

Your petitioner applied to the Income-tax Officer for refund under the Income-tax (Double Taxation Relief) (Aden) Rules, 1953, of Rs. . The Income-tax Officer has by his order, dated the . of which a copy is attached rejected the application/granted a refund of only Rs . Intimation of this order was received by your petitioner on .

Your petitioner therefore requests that the order of the Income-tax Officer may be set aside and the refund asked for may be granted.

Signed. **

GROUND OF APPEAL

Form of Verification.

I, the petitioner named in the above petition do declare that what is stated therein is true to the best of my information and belief.

Signed. **

**The form of appeal and the form of verification appended thereto shall be signed:—

- In the case of an individual, by the individual himself;
- In the case of Hindu undivided family by the Manager or Karta;
- In the case of a company or local authority, by the principal officer;
- In the case of a firm, by a partner; and
- In the case of any other association, by a member of the association.

[No. 23]

A. K. ROY, Joint Secy.

MINISTRY OF COMMERCE AND INDUSTRY**ORDER**

New Delhi, the 26th March 1953

S.R.O. 596.—In exercise of the powers conferred by sub-section (4) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the Order of the Government of India in the Ministry of Commerce and Industry No. 9(1)-IA(G)/52, dated the 31st October, 1952, namely:—

In the said Order, after paragraph 3 the following paragraph shall be inserted, namely:—

"4. Notwithstanding anything contained in paragraph 1 the authorised controller shall not draw any remuneration or undertake any recurring liabilities without the previous permission in writing of the State Government".

[No. 14(24)CT(A)/52.]

P. GOVINDAN NAIR, Dy. Secy.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 19th March 1953

S.R.O. 597.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the Foodgrains (Licensing and Procurement) Order, 1952, namely:—

In sub-clause (2) of clause 9 of the said Order after the words "State Government" the words "or an officer authorised by the State Government in this behalf" shall be inserted.

[No. CG.604(51)/52-I.]

New Delhi, the 28th March 1953

S.R.O. 598.—In exercise of the powers conferred by Section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following amendment shall be made in the Foodgrains (Licensing and Procurement) Order, 1952, namely:—

In the said Order—

(a) in clause 3, after sub-clause (2), the following sub-clause shall be inserted namely:—

"(3) Where any dealer or person is exempted under sub-clause (2) from the operation of this clause, there shall be issued to him an exemption certificate in such form as the State Government may prescribe."

(b) in clause 8, after the words 'renewal thereof' the words 'and in respect of every exemption certificate issued under this Order' shall be inserted.

[No. PYII.CG.604/23-I.]

R. S. KRISHNASWAMY, Joint Secy.



(Agriculture)

New Delhi, the 25th March 1953

S.R.O. 599.—In exercise of the powers conferred by Section 3 of the Agricultural, Produce (Grading & Marking) Act, 1937 (I of 1937) the Central Government hereby directs that the following further amendment shall be made to the Creamery Butter (Grading and Marking) Rules, 1941, the same having been previously published as required by the said section.

In the said Rules, for Schedule II, the following Schedule shall be substituted, namely:—

“Grade designation marks for Creamery Butter (See Rule 4).

Grade Designation	Design of label	Colour of label	Colour of lettering showing the grade	Colour of the circular border of the label
1	2	3	4	5
Select Pasteurised table butter		..	Red	Red
Select table butter.		Blue

NOTE.—The select pasteurised table butter labels shall be printed on the watermark paper of the Government of India and shall have amicro-tint background bearing the words “Government of India” in olive green colour.

On each label of the two kinds a serial number along with a letter or letters denoting the series, shall be printed e.g., A054987.”

[No. F.5-79/52-Dte.-II.]

S. D. UDHRAIN, Under Secy.

New Delhi, the 25th March 1953

S.R.O. 600.—In exercise of powers conferred by sub-section (1) of section 3 of the Destructive Insects and Pests Act, 1914 (II of 1914), the Central Government hereby directs that the following further amendment shall be made in the Order published with the notification of the Government of India, in the late Department of Education, Health and Lands No. F.320/35-A, dated the 20th July 1936, namely:—

In item (b) of paragraph 6 of the said Order, the first proviso shall be omitted.

[No. F.6-1/51-Dte.I.]

S. VISVANATHAN, Under Secy.

New Delhi, the 31st March 1953

S.R.O. 601.—The following persons have been nominated/reappointed as members of the Indian Central Coconut Committee with effect from 1st April, 1953.

1. Shri A. Appu, M.L.A., Retired Deputy Collector, No. 16/184 Annie Hall Road, Kozhikode, nominated by the Government of Madras to represent Growers of Coconut in India under Sec. 4(b) of the Indian Central Coconut Committee Act, 1944.

2. The Oilseeds Specialist, Coimbatore, nominated by the Government of Madras to represent the Government under Sec. 4(d) of the Indian Central Coconut Committee Act, 1944.

3. Shri M. K. Appajappe, I.A.S., Director of Agriculture, Bangalore, re-nominated by the Government of Mysore to represent the Government under Sec. 4(d) of the Indian Central Coconut Committee Act, 1944.

[No. 2-14/53-Com.II].

F. C. GERA, Asstt. Secy.

MINISTRY OF HEALTH

New Delhi, the 24th March 1953

S.R.O. 602.—The following draft of a further amendment in the Drugs Rules, 1945, which it is proposed to make in exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (XXIII of 1940), is published as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 28th June, 1953.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendment.

In rule 71 of the said Rules, after the words 'Licensing authority is satisfied that' the following words shall be inserted, namely:—

"arrangements have been made for the provision and maintenance of an adequate staff and of adequate premises and plant for the proper manufacture standardisation and storage of the substances in respect of which the licence is to be issued and that".

[No. F.1-7/52-DS.]

New Delhi, the 25th March 1953

S.R.O. 603.—The following draft of further amendments in the Drugs Rules, 1945, which it is proposed to make in exercise of the powers conferred by section 12 of the Drugs Act, 1940 (XXIII of 1940), is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 28th June, 1953.

2. Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Central Government.

Draft Amendment

In the said Rules,—

1. In sub-rule (1) of rule 40 after the words 'Director of the said laboratory' the words 'or any other officer authorised by him in this behalf subject to the approval of the Central Government' shall be inserted.
2. In sub-rule (1) of rule 41 after the words 'If the Director of the laboratory appointed for the purpose by the Central Government' the words 'or any other officer authorised by him in this behalf subject to the approval of the Central Government' shall be inserted.

3. In sub-rule (2) of rule 41 after the words 'If the Director of the laboratory appointed for the purpose by the Central Government' the words 'or any other officer authorised by him in this behalf subject to the approval of the Central Government' shall be inserted.

[No. F.7-7/47-D.]

New Delhi, the 28th March 1953

S.R.O. 604.—In pursuance of Sub-sections (1) and (2) of section 7 of the Drugs Act, 1940 (XXIII of 1940), the Central Government hereby directs that the following further amendments shall be made in the notification of the Government of India, in the Ministry of Health, No. F.1-3/47-D(II), dated the 13th September, 1948, constituting the Drugs Consultative Committee, namely:—

In the said notification, under the heading 'Nominated by State Governments' for entries 3 and 9, the following entries shall be substituted, namely:—

"(3) Dr. Dinabandhu Set, M.B., Drug Licensing Officer, West Bengal.

(9) Dr. J. K. Salkia, M.B., Inspector General of Civil Hospitals, Assam."

[No. F.4-6/53-DS]

S. DEVANATH, Under Secy.

New Delhi, the 28th March 1953

S.R.O. 605.—In pursuance of item (30) in Part II of the Schedule to the Dentists Act 1948 (XVI of 1948), the Dental Council of India hereby approve the following foreign dental qualification, namely:—

"Dr. Med. Dent., University of Rostock, Germany."

B. S. RAIZADA, Secy.

[No. F.18-2/50-MI.].

KRISHNA BIHARI, Asstt. Secy.

MINISTRY OF COMMUNICATIONS

(Posts & Telegraphs)

New Delhi, the 26th March 1953

S.R.O. 606.—In exercise of the powers conferred by section 10 of the Indian Post Office Act, 1898, (VI of 1898), the Central Government hereby directs that with effect from the 1st April, 1953, the following further amendment shall be made in the Indian Post Office Rules, 1933, namely:—

For Schedule II to rule 6 of the said Rules, the following schedule shall be substituted, namely:—

"SCHEDULE II

Destination	Rates of postage inclusive of Air Mail fee per half ounce or fraction thereof		Rates of postage inclusive of Air Mail fee	
	Letters	Printed papers (including news papers), Business papers, sample packets, Mixed packets and 'Blind Literature' packets	Postcard	Air Letters
	Rs. s. p.	Rs. A. p.	Rs. A. P.	Rs. A. P.
Zone I—				
Afghanistan . . . }	0 6 0	0 2 6	0 4 0	0 5 0
Burma . . . }				

Destination	Rates of postage inclusive of Air Mail fee per half ounce or fraction thereof		Rates of postage inclusive of Air Mail fee	
	Letters	Printed papers (including news papers), Business papers, sample packets, Mixed packets and 'Blind Literature' packets	Postcard	Air Letter
Zone II—	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Other countries and places in Asia and Egypt.	0 10 0	0 4 0	0 6 0	0 8 0
Zone III—				
Countries and places in Europe and in East Africa.	0 14 0	0 5 0	0 6 0	0 8 0
Zone IV—				
Other countries and places in Africa and in Oceania.	1 2 0	0 6 0	0 8 0	0 10 0
Zone V—				
Countries and places in North America, Central America and South America.	1 8 0	0 8 0	0 10 0	0 12 0*

[No. D.A. 30-5/53.]

S.R.O. 607.—In exercise of the powers conferred by the proviso to article 309 of the Constitution the President hereby makes the following amendments in the Engineering Supervisors Recruitment Rules, 1953, published under the notification of the Government of India in the Ministry of Communications (Posts and Telegraphs) No. S.R.O. 145, dated the 12th January, 1953, namely:—

In the said Rules—

1. After rule 7, the following shall be inserted as a sub-paragraph of that rule, namely:—

“Before a candidate is selected for training he will be required to produce evidence showing that he has passed the Matriculation Examination of a recognised Indian University, or an equivalent examination with Hindi or the regional language of the unit of recruitment to which he is allotted, as one of the subjects. If he is unable to produce such evidence he will, before selection for training, have to qualify in a test of the Matriculation standard in Hindi or the regional language of the unit of recruitment to which he is allotted. Failure to pass this test shall disqualify a candidate for selection. The test referred to in this rule will be held at such places and such times as the Director-General may prescribe.

The minimum marks for qualifying will be 35 per cent.”

2. Note 3 below rule 13 shall be omitted.

[No. STA 116-2/52.]

New Delhi, the 27th March 1953

S.R.O. 608.—In exercise of the powers conferred by sections 28 and 30 of the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that, with effect from the 1st April, 1953, the following further amendments shall be made in the Indian Post Office Rules, 1933, namely:—

In the said Rules—

1. In rules 59 and 68 for the words “four and a half” the word “six” shall be substituted.

2. In rule 74 for the scale of fees for insurance the following scale of fees shall be substituted, namely:—

	Annas.
"Where the value insured does not exceed Rs. 100	... 6
For every additional Rs. 100 or fraction thereof over Rs. 100	... 3"

3. After rule 79 the following rule shall be inserted, namely:—

"80. The sender of an insured article shall be entitled to obtain free of charge an acknowledgement of its delivery signed by the addressee or his duly authorised agent."

4. In rule 85, under the heading, "For insurance of letters and parcels to Aden or Ceylon and of letters to Portuguese India", for the scale of fees for insurance specified thereunder the following scale of fees shall be substituted, namely:—

	Annas.
"Where the value insured does not exceed Rs. 100	... 6
For every additional Rs. 100 or fraction thereof over Rs. 100	... 3

5. In sub-rule (1) of rule 92, for the scale of fees for insurance, the following scale of fees shall be substituted, namely:—

"When the value is expressed in rupee currency—

	Annas.
Where the value insured does not exceed Rs. 100	... 6
For every additional Rs. 100 or fraction thereof over Rs. 100	... 3"

When the value is expressed in sterling—

	Annas.
Where the value insured does not exceed £7	... 6
For every additional £7 or fraction thereof over £7	... 3"

[No. R-1-3/53.]

S.R.O. 609.—In pursuance of clause (c) of sub-rule (i) of rule 14-A of the Indian Post Office Rules, 1933, the Central Government hereby direct that each of the areas within the State of Travancore-Cochin specified in column 2 of the Schedule annexed hereto shall with effect from the 1st April, 1953, be included within the local delivery area mentioned in column 1 thereof against such area.

SCHEDULE

Local Delivery Area (1)	Area with the name of Post Offices to be included in the local delivery area in column 1 (2)
Trichur	Area outside Trichur Municipality served by Koorakancheri post office.
Changanacherry	Vazhapally West area, served by post office of the same name.
Kottayam	Nattasseri ; Pallon ; Puthupallu ; Olessa ; Aymanam ; Kummanam ; Nattakam ; Pakkil ; Manarcand post offices.
Palai	Puliyannur ; Vellichira post offices.
Vaikam	Udayanapuram post office.
Cochin	Trippunithura ; Palluruthy post offices.
Trivandrum	Ulloor post offices.

[No. D-36-44/51.]

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF TRANSPORT**PORTS**

New Delhi, the 26th March 1953

S.R.O. 610.—In exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby make the following rules for the regulation of passenger vessels at the minor ports of Mundra, Mandvi, Koteswar, Lakhpat and Jakhau in the State of Kutch, the same having been previously published as required by sub-section (2) of the said section, namely:

RULES**KUTCH MINOR PORTS (PASSENGER VESSELS) RULES, 1953**

1. **Short title and application.**—(1) These rules may be called the Kutch Minor Ports (Passenger Vessels) Rules 1953.

(2) These Rules shall not apply to (a) vessels of 150 Gross registered tons or over and (b) to sailing ships carrying more than 30 passengers which go out to sea.

2. **Definitions.**—In these unless the context otherwise requires—

(a) 'Act' means the Indian Ports Act, 1908 (XV of 1908);

(b) 'Conservator' means the Conservator of minor ports in Kutch appointed under section 7 of the Act;

(c) "fair season" means the period from 15th September till 14th May and the "Monsoon Season" means the period from 15th May till 14th September;

(d) "licensing officer" means the Conservator or any officer authorised by him to issue licences under these rules;

(e) "licensed boat" or "licensed vessel" means any boat or vessel in respect of which a licence is granted under these rules;

(f) "Minor Port" means any port in the State of Kutch which is not a major port;

(g) all other words and expressions used herein and not defined in these rules shall have the meanings assigned to them in the Act.

3. **License.**—No passengers shall be carried in any vessel, either for hire or otherwise and whether regularly or only occasionally and no such vessel shall be plied in or partly within and partly without a minor port unless a license in respect of such vessel has been obtained from the licensing officer.

4. **Application for license.**—(1) Every application for the grant of a license under rule 3 shall be made in writing to the Licensing Officer and shall be accompanied by a fee of Rs. 2.

(2) On receipt of such application, the Licensing Officer shall cause the vessel to be measured for the purposes of rule 12 and may make such enquiries as he deems fit, and may also inspect the vessel. Provided that, the licensing officer shall not inspect any vessel which is in possession of a valid certificate of survey granted under the Indian Merchant Shipping Act, 1923 (XXI of 1923), or the Inland Steam Vessels Act, 1917 (I of 1917).

5. **Grant of licence.**—It shall be in the absolute discretion of the licensing officer either to grant or to refuse the licence.

Provided that he shall not grant the license unless he is satisfied that the vessel is seaworthy and that it is provided with the equipment according to the standard prescribed in rule 15.

Provided further that the license shall be granted only to the owner of the vessel or his agent.

6. **Form and contents of license.**—(1) The license shall be in form annexed to these rules.

(2) The license shall specify the port of registry, the registered number of the vessel, the name of the owner or agent, the number of the crew, the number of passengers and the weight of the goods which such vessel has been authorised to carry, and the seating accommodation provided for the crew and the passengers. It shall also specify the number of masts, yards, sails, oars, boat-hooks, poles, fenders, life saving appliances, lanterns and other articles which constitute the equipment of the vessel.

(3) The license shall also provide that the license shall be kept on board when the vessel is plying for hire or otherwise and that it shall be liable to be cancelled if fares in excess of those determined by the Conservator under rule 11 are charged.

(4) The Licensing Officer may also make it a condition of the license that seating accommodation shall be provided for each member of the crew and each passenger.

7. **Period of License.**—Every such license shall ordinarily be issued for one year from 15th September to 14th September of the following year; and in cases in which the date of issue is subsequent to 15th September the license shall remain in force from such date until the 14th September of the year following.

8. **Transfer of license.**—No license shall be transferred except with the permission of the Conservator.

9. **License to be shown to Customs Officer, passengers and crew.**—Every licensee or his employee shall show on demand the license issued under these rules and a copy of these rules either in English or in the regional language of the district in which the port of registry is situated, to the Conservator or any officer authorised by him, any Customs Officer, any passenger or any member of the crew on board the vessel in respect of which the license has been issued.

10. **Suspension or revocation of license.**—The licensing officer may in his discretion suspend or cancel any license for breach of any of these rules or any of the conditions of the license or any misconduct on the part of the licensee or his employees.

11. **Fares to be charged.**—(1) The Conservator with the prior approval of the Chief Commissioner, Kutch, shall determine the fares to be charged for carrying passengers in a licensed vessel. The fares so determined shall be specified in the license issued in respect of such vessel.

(2) The person in charge of such vessel shall carry on board a table of fares so determined, signed by the licensee and by the Conservator and shall show such table of fares to any passenger on demand;

Provided that if the licensing officer so directs, such table of fares may not be carried on board in the case of vessels plying within the limits of the same port.

12. **Number of passengers and crew to be carried.**—(1) The maximum number of persons which any vessel may be authorised to carry shall be calculated as follows:—

(a) **Open boats.**—The length, breadth and depth of the boat in feet shall be multiplied together and the result multiplied by 6 (decimal point six). The figure thus arrived at shall be divided by 10 and the quotient shall be the maximum number of persons, inclusive of the crew, which may be carried by the boat in the fair season. The quotient arrived at by dividing the same figure by 20 shall be the maximum number of the persons, exclusive of the crew, which may be carried by the boat in the monsoon season.

Provided that the maximum number of persons which the boat may carry during the monsoon season shall not exceed the number which the boat may carry during the fair season.

(b) **Decked boats.**—The length and breadth of the deck in feet shall be multiplied and from the product thereof the area of the space, in square feet, not used or intended to be used by passengers such as hatch-ways, sky-lights and other similar openings, shall be deducted. The balance shall then be divided by 4 and 6 and the quotients shall be the maximum numbers of persons, inclusive of the crew, which may be carried by the boat in the fair season and in the monsoon season, respectively.

(2) The minimum number of crew which shall be carried by any vessel of the tonnage specified in column 1 of the table below shall be the number specified in column 2 of the table:—

TABLE

Net Registered Tonnage	Minimum number of crew
<i>Jolly boats, Dingies, Machwas and Prows</i>	
From 1½ tons to 2 tons	3
Above 2 tons to 2½ tons	4
Above 2½ tons to 7½ tons	5
Above 7½ tons to 20 tons	6
Above 20 tons to 38 tons	7
Above 38 tons to 50 tons	8

Net Registered Tonnage	Minimum number of crew
Tonies	
From $\frac{1}{2}$ ton to $\frac{1}{2}$ ton	2
Above $\frac{1}{2}$ ton to $1\frac{1}{2}$ tons	3
Above $1\frac{1}{2}$ tons to 3 tons	4
Bunder boats	
From 6 tons to $7\frac{1}{2}$ tons	7
Above $7\frac{1}{2}$ tons to 9 tons	8
Above 9 tons to 11 tons	9
Above 11 tons to 12 tons	10

13. **Calculation of the number of passengers and weight etc.**—In calculating the number of passengers and the weight of goods which may be carried by any vessel, two children under 12 years of age shall be reckoned as equal to one adult. Article or articles weighing two maunds shall be reckoned as equal to one adult. A child over 12 years of age shall be reckoned as an adult. Children in arms shall not be reckoned.

14. **Marking of the number of passengers on the vessel.**—Every licensed vessel shall be marked or branded on the gunwale with a number indicating the number of passengers which it is authorised to carry. Such number shall appear after the name and number marked or branded upon it in accordance with section 3 of the Bombay Coasting Vessels Act, 1938, as extended to the State of Kutch, and shall be marked or branded in the same manner as the name and number are required to be marked or branded under the said Act.

15. **Standard of equipment.**—The standard of equipment of every licensed vessel carrying passengers shall be as follows:—

Muchwas, Jolly boats, Toney (big).	Oars and thole pins as many as the number of crew
	2 boat hooks*.
	1 Mast.
	1 Sail.
	1 Rudder.
	1 Tiller.
	1 Anchor.
	1 Cable.
	1 Bailer to hold at least one gallon.
	3 Poles for shoving.
	1 Anchor rope.
	1 Prescribed regulation light.
Flats.	As above except the mast and sail.
Small Dug-out tonies.	Oars and paddles for each of the crew and thole pins for each oar.
	1 Grapnel.
	1 Bailer.
	1 Pole.
	1 Anchor rope.
	1 Prescribed regulation light.

In addition, each such vessel shall be provided with approved life-jackets; life buoys, buoyant apparatus or other suitable equipment to support all persons on board.

16. **Compliance with requirements of rules 12 and 15.**—No licensed vessel shall ply whether for hire or otherwise without having on board the minimum number of crew specified in rule 12 and the equipment specified in rule 15;

Provided that if any vessel is propelled by sails as well as oars, it shall be optional to carry sails, masts and yards.

17. **White lights to be shown at night.**—Every licensed vessel actually plying for hire or otherwise shall show a white light about the bows between sunset and sunrise.

18. **Plying alongside of a coasting or ferry steamer.**—No licensed vessel plying, whether for hire or otherwise shall go alongside any coasting or ferry steamer until such steamer has exhibited one of the signals described in rule 22, to signify that it is ready to take in or discharge passengers.

19. **Licensed vessels not to carry passengers or goods in excess of those specified in the license.**—No passengers or goods shall be carried in any licensed vessel

*Required only when the boat is engaged in carrying passengers from or to steamers.

whether plying for hire or not in excess of the number or weight respectively specified in the license issued in respect of such vessel.

20. Prohibition of plying of vessels on an order of the Conservator.—No licensed vessel shall be plied in any minor port, whether for hire or otherwise, with passengers or goods if the Conservator issues an order prohibiting such plying on the ground that on account of floods, high winds, weather conditions or other reasons, plying of vessels has become dangerous to human life and safety.

21. Examination of vessels by Conservator.—(1) The Conservator or any officer authorised by him in this behalf may board and examine any vessel at any time in order to satisfy himself that it is seaworthy and that the provisions of these rules are complied with. The licensee and his employees shall be bound to give every facility for such examination.

(2) If on such examination the vessel is found to be not seaworthy, the examining officer shall suspend the license issued in respect of such vessel, and such vessel shall not thereafter be plied, whether for hire or otherwise, with passengers or goods, until it has again been made seaworthy and the licensing officer has renewed the license or issued a fresh license in respect of such vessel.

22. Signals to be exhibited by certain vessels.—No licensed vessel touching at any minor port shall take in or discharge any passenger unless before beginning to do so, and during the whole of the time that it is doing so, there is exhibited at its fore or main mast, or in some other position in which it can most easily be distinguished, a signal as described below:—

(a) Signal between sunrise and sunset:—

The Rendezvous Flag. (blue and white chequers; letter N of the Commercial Code).

(b) Signal between sunset and sunrise:—

A red light.

23. Licensed vessels to anchor during the time the signal is exhibited.—No licensed vessel touching any minor port shall take in or discharge any passenger or shall exhibit any signal required by rule 22 without first anchoring and it shall remain anchored during the whole of the time that such signal is exhibited, unless the conditions of weather and tide are such that its safety or the safety of the vessels approaching it would thereby be endangered.

ANNEXURE

(RULE 6)

Form of License

License issued under the Kutch Minor Ports (Passenger Vessels) Rules, 1953.

Port of Registry.

No. of vessel.

Registered tonnage.

Name of Owner.

Name of Agent.

Number of crew.

Seating accommodation/provided for:—

(a) the passengers,

(b) the crew.

List of equipment oars, thole pins, boat-hooks, mast, sail, one rudder, one tiller, one anchor, one cable, one bailer type of L.S.A. equipment (capacity not less than one gallon) poles for shoving, one anchor rope, regulation light.

Conditions of license

(1) The license shall remain in force from 19 19 upto 14th September

(2) The above-mentioned vessel is authorised to carry not more than passengers (exclusive of the crew) or goods weighing or maunds in the fair season and not more than passengers (exclusive of the crew) or goods weighing or maunds in the monsoon season.

(3) The licensee shall not charge fares in excess of those specified in the table of fares annexed to this license. A copy of this table signed by the licensee and the Conservator shall be carried on board the vessel when it is plying for hire and shall be shown to any passenger on demand.

(4) This license and a copy of the Kutch Minor Ports (Passenger Vessels) Rules, 1953 in English or in _____ shall be carried on board the vessel when it is plying for hire and shall be shown on demand to Conservator or any other officer authorised by him, any Customs Officer, any passenger or any member of the crew of the vessel.

(5) Seating accommodation shall be provided in the vessel for each passenger and each member of the crew.

(This condition is to be inserted if the licensing officer considers it necessary).

(6) The licensee shall see that at the commencement of any voyage he and all his employees on the vessel are sober and that during the continuance of the voyage they do not partake of any intoxicating liquor or drug. The licensee and his employees shall do their utmost to keep the vessel as clean as possible and to carry out the reasonable requests of their passengers in this and other respects.

(7) The licensee shall not refuse to carry any person on grounds of his caste or community.

(8) The license shall not be transferred to any other person without the permission of the Conservator.

(9) The licensee shall, whenever required, allow the Conservator or any officer authorised by him in this behalf to board the vessel and examine it.

(10) The licensee shall comply with the provisions of the Kutch Minor Ports (Passenger Vessels) Rules, 1953.

(11) The licensing officer in his discretion suspend or cancel this license for breach of any of the provisions of the Kutch Minor Ports (Passenger Vessels) Rules, 1953 or any of the conditions of this licence or any misconduct on the part of the licensee or his employees.

Date.

Station.

Licensing Officer.

(REVERSE)

I. Table of fares between specified landing places.

Names of landing places	Fair Season		Monsoon Season	
	Per person	Per trip	Per person	Per trip

II. Table of fares for specified round trips.

Details of trip	Fair season	Monsoon season

III. Renewals.

Date from which license is renewed	Date on which renewed license expires	Signature and designation of renewing authority

[No. 20-M(12)/50.]

ORDER

New Delhi, the 26th March 1953

S.R.O. 611.—In exercise of the powers conferred by clause (d) of section 47 of the Delhi Road Transport Authority Act, 1950 (XIII of 1950), the Central Government hereby exempts the drivers of the Delhi Road Transport Authority from the provisions of sub-sections (2) and (3) of section 86 of the Motor Vehicles Act, 1939 (IV of 1939), relating to the production of certificates of registration and fitness in respect of vehicles of the Delhi Road Transport Authority.

[No. 18-TAG(1)/52.]

T. S. PARASURAMAN, Dy. Secy.

MINISTRY OF RAILWAYS
(Railway Board)

New Delhi, the 30th March 1953

S.R.O. 612.—In exercise of the powers conferred by sub-section (1) of section 71E of the Indian Railways Act, 1890 (IX of 1890), the Central Government hereby makes the following amendment in the Railway Servants (Hours of Employment) Rules, 1951, published with the notification of the Government of India, in the Ministry of Railways (Railway Board) No. E(Adj)50/3, dated the 26th March, 1951, namely:—

In sub-rule (2) of rule 3 of the said Rules, after item (viii) the following item shall be inserted namely, "(ix) casual labour".

[No. E(Adj)52/4.]

P. N. SAXENA, Director, Establishment.

MINISTRY OF PRODUCTION

New Delhi, the 25th March 1953

S.R.O. 613.—The following draft of rules, which it is proposed to make in exercise of the powers conferred by section 17 of the Coal Mines (Conservation and Safety) Act, 1952. (XII of 1952), and in supersession of the Coal Mines Safety (Stowing) Rules, 1939, is published, as required by sub-section (1) of the said section, for information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 1st May 1953.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

COAL MINES CONSERVATION AND SAFETY RULES**CHAPTER I—PRELIMINARY**

Short Title and Extent.—(1) These rules may be called the Coal Mines (Conservation and Safety) Rules, 1952.

(2) They extend to the whole of India except the State of Jammu and Kashmir.

Definitions.—In these Rules, unless the context requires otherwise,—

- (a) "Act" means the Coal Mines (Conservation and Safety) Act, 1952 (XII of 1952);
- (b) "Central Government" includes in relation to functions delegated under sub-section (2) of section 5 of the Act to the Board, the Board acting within the scope of the authority given to it under that sub-section.
- (c) "Chairman" means the Chairman of the Board;
- (d) "member" means a member of the Board appointed under Section 4 of the Act;
- (e) "month" means a month reckoned according to the British Calendar;
- (f) "section" means a section of the Act;
- (g) "treasury" means any Government Treasury or sub-treasury.

CHAPTER II—THE BOARD AND ITS PROCEDURE

3. Time and Place of Meetings.—(1) The Chairman may at any time call a meeting of the Board and shall do so if a requisition for that purpose is presented to him by three or more members.

(2) The meetings of the Board shall, unless the Chairman in any case otherwise directs, be held in Calcutta.

4. Notice of Meetings.—As far as possible, notices of the time and place of any intended meeting of the Board signed by the Chairman or the Secretary shall be delivered at or posted to the usual place of residence of every member present in India not less than seven clear days before the date of the meeting. Provided that an emergent meeting may be called by the Chairman at any time.

5. Presiding at Meetings.—The Chairman shall preside at every meeting of the Board at which he is present. If the Chairman is absent from a meeting and it is not expedient to adjourn the meeting the members present shall elect one of their number to preside over the meeting and the member so elected shall at that meeting exercise all the powers of the Chairman.

6. Quorum.—No business shall be transacted at a meeting of the Board unless at least three members including the Chairman are present:

Provided that if at any meeting less than three members including the Chairman are present, the Chairman may adjourn the meeting to a date not less than seven days later and inform the members present and notify other members that he proposes to dispose of the business at the adjourned meeting irrespective of there being a quorum, and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number attending.

7. Disposal of Business.—(1) Every question upon which the Board is required to deliberate shall be considered either at its meetings or, if the Chairman so directs, by sending the necessary papers to members for opinion:

Provided that the papers need not be sent to any member who is absent from India.

(2) When a question is referred for opinion, any member may request that the question be considered at a meeting of the Board, and thereupon the Chairman may, and if the request is made by three or more members shall, direct that it be so considered.

8. List of Business.—(1) The Chairman shall send or cause to be sent to each member present in India, along with the notice of the meeting or as soon as possible thereafter, a list of business to be disposed of at that meeting.

(2) No business which is not on the list shall be considered at a meeting without the permission of the Chairman.

9. Decision by Majority.—(1) Every question at a meeting of the Board shall be decided by a majority of votes of the members present and voting on that question.

(2) Every question referred to the members for opinion shall, unless the Chairman reserves it for consideration at a meeting, be decided in accordance with the opinion of the majority recording opinions.

(3) In the case of an equal division of votes the Chairman shall exercise an additional vote and in the case of an equal division of opinion, the opinion of the Chairman shall prevail.

10. Record of Business.—A record shall be maintained of all business transacted by the Board, copies of which shall be submitted to the Central Government.

11. Revision.—(1) The Central Government may for reasons to be recorded in writing review any decision of the Board and pass such orders in the matter as it thinks fit.

(2) The Board shall give effect to all orders passed by the Central Government under sub-rule (1).

12. Salary and Allowances of the Chairman.—(1) The Chairman shall be paid such salary and allowances from the Fund as the Central Government may from time to time fix.

(2) The Chairman shall also be paid from the Fund travelling allowances for journeys performed by him in his official capacity, at the same rates and on the same conditions as are prescribed by rules in the case of officers in the employ of the Central Government drawing the same salary as the Chairman.

(3) When the Chairman is in the permanent service of the Government contributions on account of the Chairman's pension, Provident Fund, leave salary and passages shall be paid from the Fund at such rates as may be fixed by the Central Government.

(4) Save and except as permitted by the Central Government, the Chairman shall not engage in any trade or profession or undertake any employment or duties other than his duties under the Board.

(5) In any case not provided for in sub-rule (3), the Central Government may grant to the Chairman leave on like terms and conditions as are prescribed by the Central Government. Leave salary payable in respect of such leave may be paid from the Fund.

13. Powers and duties of the Chairman.—(1) The Chairman shall be responsible for the proper functioning of the Board and the implementation of its decisions and the discharge of its duties under the Act and he may in his discretion refer any matter to the Central Government for orders.

(2) Subject to the control of the Chairman the *Secretary* or such other officers as may be appointed for the purpose of this rule shall be the Principal Executive Officer of the Board and, as such, he shall—

(a) present all important papers and matters to the Board as early as practicable;

(b) issue directions as to the method of carrying out the decisions of the Board;

(c) grant or, subject to a resolution by the Board, authorise some other person to grant, receipts on behalf of the Board for all moneys received under the Act;

(d) maintain or cause to be maintained an account of the receipts and expenditure of the Board; and

(e) present an annual draft report on the working of the Board to the Board for approval and submit the report in the form approved by the Board to the Central Government.

(3) The Chairman may sanction expenditure on contingencies, supplies and services and purchase of articles required for the working of the office of the Board and required for the execution of measures in furtherance of the objects of the Act subject to budget provision and to the condition that the expenditure on any single object or item of work does not exceed Rs. 2,000:

Provided that the Chairman may in writing delegate such of his powers under this sub-rule to the Secretary or other officer of the Board as he considers appropriate.

14. Secretary to the Board.—(1) The Deputy Secretary to the Board shall be a person appointed by Central Government in consultation with the Board and his remuneration and terms of service shall be as laid down by the Central Government.

(2) The Deputy Secretary shall perform such duties as are imposed upon him by these rules and such other duties as may be assigned to him by the Board or by the Chairman.

15. Board's Establishment.—(1) (a) The Board shall, from time to time appoint such other establishment and fix the salaries and allowances of all officers and servants to be employed by it, and may require security to be taken from such of them and to such amount as it thinks fit; the scales of pay allowed by the Board for the staff shall, as far as possible, correspond to the scales applicable to similar posts under the Government of India:

Provided that no post the maximum salary of which exceeds rupees five hundred per mensem shall be created without the previous sanction of the Central Government.

(b) The posts of officers of the Board shall be divided into two classes as follows, corresponding to class I and class II posts of Gazetted officers of the Central Government.

Class I posts.—(i) Secretary, (ii) Inspecting Officers, (iii) Investigating Officer, (iv) Deputy Secretary.

Class II posts.—(i) Assistant Secretary, (ii) Accounts Officer.

(2) (a) All vacancies for direct recruitment of officers and staff of the Board shall be advertised in the principal newspapers in India and simultaneously notified to the Regional Employment Exchange at Calcutta.

(b) A statement of all applications received from candidates and recommendations from the Employment Exchange shall be placed before a Selection Committee appointed by the Board. The Selection Committee shall recommend to the Chairman candidates suitable for the appointment in order of merit after examining the applications and interviewing or testing the candidates:

Provided that the Board shall act as the Selection Committee in respect of appointments to the posts of officers.

(c) If a vacancy in the Board's establishment is to be filled up by promotion, the cases of all the candidates for promotion shall be examined by a Promotion Committee set up by the Board and the recommendations of the Committee shall be placed before the authority competent to make the appointment:

Provided that for appointments to the posts of officers the Board shall perform the functions of the Promotion Committee.

(5) Subject to the scale of establishment fixed under sub-rule (1), and subject to the provisions of sub-rule (2) the Chairman shall have power to appoint, dismiss, suspend, reduce or grant leave to any person in the service of the Board:

Provided that—

(i) no person shall be appointed to, or dismissed from, an office the maximum salary of which exceeds rupees five hundred without the sanction of the Central Government;

(ii) no person shall be appointed to, or dismissed from, an office the maximum salary of which exceeds rupees two hundred and fifty but does not exceed rupees five hundred without the sanction of the Board at a meeting;

(iii) the grant of leave, pay and allowances to officers and servants of the Board, who are not Government servants, shall be regulated by rules made by the Board; and

(iv) the grant of leave, pay and allowances to a Government servant, whose services have been lent or transferred to the Board shall be regulated according to the appropriate rules framed by the Central Government and applicable to such Government servant.

(4) In exercising the powers conferred by clause (c) of the proviso to sub-rule (2), the Board shall apply the principles of the rules framed by the Central Government for the corresponding classes of Government servants.

(5) Save with the previous sanction of the Central Government, no travelling allowance shall be paid to any officer or servant of the Board in excess of the amount which would be admissible under the Supplementary Rules framed by the Central Government to a Government servant of the corresponding grade.

16. Allowances of Members.—(1) A Government servant appointed as a member shall be paid for attending a meeting of the Board such travelling allowance from the Fund as would be admissible to him under the appropriate rules if the journey had been performed on Government duty.

(2) A member performing a journey on the business of the Board with the approval of the Chairman shall be paid from the Fund, such travelling allowance as would be admissible to him under the appropriate rules if the journey had been performed on Government duty.

CHAPTER III—COMMITTEES OF ENQUIRY

18. (1) The Central Government may appoint a Committee of enquiry to inquire into a reference arising out of an order under sub-section (3) of section 13 and such Committee shall consist of—

(a) the Chairman or a member of the Board as Chairman;

(b) (i) a person holding a first class colliery manager's certificate of competency nominated by the Chairman and qualified by experience to dispose of the question referred to the Committee;

- (ii) a person who shall be appointed to represent the interest of persons employed in the mine.
- (2) No person shall be appointed to the Committee who is an officer of the Board or of the Department of Mines.
- 19. (1) The Committee shall hear and record such information as the Board or the owner, agent or manager of the coal mine concerned may place before it; and may also obtain the opinion of such other person as it may deem appropriate.
- (2) The Committee shall report its findings to the Central Government.
- (3) On receiving such report the Central Government may pass such orders as it deems appropriate.
- (4) The decision of the Central Government shall be binding on the Board and the owner, agent or manager of the Coal mine.
- 20. The Members of a Committee of Enquiry shall be paid from the fund such remuneration, in addition to their actual travelling expenses in connection with the work of the Committees, as the Central Government may fix.

CHAPTER IV—ADVISORY COMMITTEES

[Constituted by the Central Government under Section 15(1) of the Act]

20. Technical Advisory Committee (Mining).—(1) The Technical Advisory Committee (Mining) shall be composed of the following members:—

- (a) a technically qualified member of the Board or a person nominated by the Board—Chairman;
- (b) the Chief Inspector of Mines or an Inspector nominated by him;
- (c) the Mining Adviser, Government Railways or a person, in the service of Government having suitable mining qualifications nominated by the Board;
- (d) Director of Geological Survey of India or his nominee;
- (e) such representatives of the mining or labour interests concerned as the Committee or the Board may deem necessary and appropriate to co-opt for its deliberations;

An Inspecting Officer of the Board will act as Secretary to the Committee.

(2) The Committee will advise the Board in matters arising out of consideration of coking coal and certain aspects of stowing and the terms of reference to the Committee shall be as follows:—

- (a) to recommend raising quotas in each colliery working Selected 'A', Selected 'B' Grade I and Grade II coking coal and such other coal, as may be specified by the Board from time to time, consistent with safety and future extraction without undue loss of coal and undue increase in cost;
- (b) to examine the economics of restrictions of output of coking coal and the effect of such restriction on the cost of production of the colliery;
- (c) to examine or assess the necessity of and to advise on mining in the colliery, in which restriction of output is recommended of other seams having coking coal or coal which on beneficiation is likely to yield coking coal or coal suitable for blending or coal of any other variety, including non-coking coal;
- (d) to advise on the necessity and extent of stowing for safety or conservation of coal;
- (e) to examine or assess the necessity of installation of beneficiation plant at collieries where such beneficiation is likely to yield economically coking coal or coal suitable for blending;
- (f) to advise on other allied or incidental matters which may be specifically referred to the Committee by the Board.

(3) The Committee may consult or obtain information from such persons as it deems appropriate.

21. Advisory Committee on Stowing.—(1) The Advisory Committee on stowing shall be constituted as follows:—

- (a) a member of the Board nominated by the Board—Chairman;
- (b) the Chief Inspector of Mines in India;

(c) the Director, Fuel Research Institute or his nominee;

(d) two representatives to be nominated by the Indian Mining Association and one representative each by the Indian Mining Federation and Indian Colliery Owners' Association.

An officer of the Coal Board shall be nominated as Secretary of the Committee by the Chairman.

(2) Each nominated member may be assisted by one adviser to be nominated by the respective associations, who shall possess a first class colliery manager's certificate of competency and have knowledge of stowing.

(3) A nominated member shall hold office for a period of one year and shall be eligible for re-nomination.

(4) A nominated member may resign his office by letter addressed to the Chairman of the Board.

(5) Not later than 15 days after the occurrence of a vacancy in the case of a nominated member or at any time within one month of the date when a vacancy will occur in the ordinary course of events the body concerned shall in writing communicate to the Chairman a nomination to fill the vacancy and the nomination shall be effective when accepted by the Central Government.

(6) The Committee shall advise the Board on such matters, relating to stowing for safety and conservation in coal mines and the grant of assistance for stowing in coal mines, as may be referred to it by the Board.

22. The Research Advisory Committee.—(1) The Research Advisory Committee shall be composed of the following members:—

(a) a member of the Board nominated by the Board—Chairman;

(b) the Chief Inspector of Mines in India;

(c) the Director, Fuel Research Institute;

(d) the Principal, Indian School of Mines and Applied Geology;

(e) the Principal, College of Mining and Metallurgy, Benares Hindu University;

(f) two Mining Engineers having special knowledge of stowing and research connected therewith to be nominated by the Board.

An officer of the Board shall be nominated as Secretary to the Committee.

(2) The members of the Committee except the Chairman, the Chief Inspector of Mines in India, the Director, Fuel Research Institute, and the Principal, Indian School of Mines and Applied Geology shall hold office for a period of 3 years but shall be eligible for re-appointment.

(3) The Committee shall advise the Board regarding the nature and extent of research to be undertaken by the Board, the problems to be investigated, the schemes of research to be assisted by the Board and also examine periodically the reports submitted by the Investigating Officer.

(4) The Committee shall publish half-yearly reports showing the research work done, by it and the use to which such research work has been put by the collieries. The report shall also show accounts of the Committee and contain description of how the money has been spent.

23. General.—(1) Each non-official member including a co-opted member of an Advisory Committee shall be paid for attending a meeting of the Committee such remuneration as may be fixed by the Central Government and the actual travelling expenses incurred by him in attending a meeting or for any other purpose in connection with the business of the Committee.

(2) Each Government servant appointed or co-opted as a member of a Committee shall be paid for journeys connected with the business of the Committee such travelling allowance from the funds of the Board as may be admissible to him under the appropriate rules if the journey had been performed on Government duty.

(3) Travelling allowance and remuneration at such scales as may be fixed by the Board with the approval of the Central Government may also be paid to such other persons as with the approval of the Board are required to assist or advise the Board or any of the Advisory Committees.

(4) The Chairman of the Board may issue instructions regarding the conduct of the business of the Committees, maintaining records of the proceedings of the Committees and such other matters as he may deem appropriate.

(5) All proceedings of meetings of the Advisory Committees and all recommendations of the Committees shall be placed before the Board.

CHAPTER V—LEVY AND COLLECTION OF EXCISE DUTY

24. Recovery of Excise Duty.—(1) The duties of excise imposed under section 8 on coal and coke shall be recovered—

- (i) When such coal or coke is despatched by rail from collieries by the Railway administrations concerned, by means of a surcharge on freight,
 - (a) from the consignor, if the freight charges are being prepaid at the forwarding station,
 - (b) from the consignee, if the freight charges are collected at the destination of the consignment,
 - (c) from the party paying the freight, if the consignment is booked on the "weight only" system:

Provided that in all cases where coal or coke is despatched by rail from collieries to any station outside India, the duty of excise shall be recovered from the consignor at the forwarding station.

- * (ii) When such coal or coke is despatched from collieries by means other than rail, namely, by road, river and tramway from the owner of the colliery concerned and collected in the manner provided in rules 29 to 31.

(2) In calculating the amount of duty of excise payable on any one consignment any fractions of an anna shall be rounded off to the nearest anna.

25. Declaration by Consignor.—All consignments of coke from collieries tendered for despatch by rail, shall be accompanied by a declaration advice note in which the consignor or his agent shall describe the consignment as either "soft coke" or "hard coke", according to the nature of the consignment.

26. Weight for Charge.—For the purpose of the levy of the excise duties, the actual weight of a consignment rounded off to the nearest ton shall be taken into account.

27. Remittance of Excise Duty.—The total amount of excise duty collected by each Railway administration less—

- (a) refunds and the amounts written off authorised by the Railway administration under sub-rule (1) of rule 30;
- (b) a deduction of such percentage, as the Central Government may, by notification in the official Gazette, fix towards the cost of collection,

shall under advice to the Accountant General, West Bengal and the Chairman, Coal Board be remitted quarterly, to the Reserve Bank of India at Calcutta for the credit of the Central Government in a special account.

28. Refunds and Recoveries.—(1) Where the amount of the excise duty due under these rules has not been collected either wholly or in part or where the amount collected is in excess of the amount due, the Railway administration shall deal with the undercharge or overcharge, as the case may be, on the same principles as apply to undercharges and overcharges in regard to Railway freight charges.

(2) When it is proved to the satisfaction of the Board or any person authorised in this behalf by the Board, that any coal, on which the duty of excise under clause (a) sub-section (1) of section 8 had previously been collected, has been used in the manufacture of any coke on which also the duty has been collected, the Board or the person authorised in this behalf by the Board may order refund of an amount equal to the duty collected on such coal to the person from whom such duty was collected.

(3) A similar refund on the conditions mentioned in sub-rule (2) may be allowed in respect of the duty of excise collected on raw coal during its transport to a washery in cases where duty of excise is again collected on the washed coal despatched from the washery to the consuming centres:

Provided that—

- (i) no claim for such refund shall be entertained unless it is preferred within one year from the end of the quarter to which the claim relates; and

(ii) refunds under this sub-rule shall be allowed after deductions of such percentage as the Central Government may by general or special order fix as the cost of calculation of such duty.

(4) When it is proved to the satisfaction of the Board or any person authorised in this behalf by the Board that coking coal in respect of which an additional duty of excise has been levied and collected under clause (b) of sub-section (1) of section 8 is despatched to any person for use in India and—

(a) the use of coking coal is, in the opinion of the Central Government or if the power is delegated to the Board in the opinion of the Board essential for carrying on any industrial or other process in which such person is engaged; or

(b) the despatch of the coking coal is made under orders of the Board, although it was not specifically indented for by such person;

the Board may order the payment to that person of a sum equivalent to the additional duty of excise collected on the coking coal received and used.

(5) The Board may determine the procedure for submission of claims for refund of excise duty under sub-rules (2), (3) and (4).

29. Collection and Assessment of Excise Duty on Coal, Soft Coke or Hard Coke despatched by means other than Rail namely, Road, River, Tramway, etc.—(1) Every owner, agent or manager of a colliery shall maintain a register in such form as may be determined by the Board showing quantities of coal, soft coke or hard coke despatched during a month by means other than rail. The amount of excise duty payable during a month at the rates prescribed under section 8 shall be calculated and recorded by the owner in the register itself.

(2) Every owner shall be deemed to have been provisionally assessed to an amount calculated and recorded under sub-rule (1) as payable during a month and he shall pay the same into the treasury, the remittance being creditable to the Central Government in a special account. The payment shall be made on or before the last day of the month following the month for which payment is due.

(3) The payment under sub-rule (2) shall be made by means of a challan. The treasury shall return two copies of the challan to the depositor who shall keep one copy for himself and transmit the other copy under sub-rule (4) to the Chairman.

(4) Every owner of a colliery shall submit to the Chairman such monthly return as may be prescribed by the Board showing quantities of coal, soft coke or hard coke despatched during a month by means other than rail, the amount paid under sub-rule (2) and other particulars. The return shall be supported by a copy of the challan returned under sub-rule (3) by the treasury. The Board may determine the manner in which such monthly return shall be submitted.

(5) The return under sub-rule (4) shall be submitted so as to reach the Chairman on or before the last day of the month following the month for which it is due.

(6) (a) The final assessment of the excise duty due from a colliery under clause (ii) of sub-rule (1) of rule 24 shall be made by the Chairman after examination of the said return and/or other relevant documents if any, as may be available. For the purpose of final assessment under this sub-rule the Chairman may depute a duly authorised officer to inspect and examine the account books and other records maintained at the premises of the colliery or may require by notice in the form and manner prescribed by the Board, the owner to produce either personally or by his authorised representative the said records before the authorised officer at the time and place (within the District in which the colliery is situated) specified in the notice. The officer deputed by the Chairman shall be afforded all the necessary facilities at the premises of the colliery for the purpose of inspection and examination under this sub-rule.

(b) If the owner has paid under sub-rule (2) and has submitted return under sub-rule (4) the Chairman shall either confirm that the amount of duty provisionally assessed under sub-rule (2) is final and send an intimation to that effect to the owner concerned or where necessary shall assess the additional amount and issue a notice in the form prescribed by the Board calling upon the owner to pay into the treasury by a specified date the further amount in the manner provided in sub-rule (3).

(c) If the owner has not made any payment under sub-rule (2) and has not submitted a return under sub-rule (4) the Chairman shall, after giving the owner a reasonable opportunity of being heard in the manner determined by the Board

assess him to such an amount of excise duty as in his opinion is fit and proper and issue a notice in the form determined by the Board calling upon him to pay the full amount into the treasury by a specified date in the manner provided in sub-rule (3).

30. Recovery of Unpaid Excise Duty.—(1) Any dues of excise duty remaining unpaid after the date specified by the Chairman shall be recovered from the owner as an arrear of land revenue and shall be credited to the Central Government.

(2) The Chairman shall apply to the Collector of the District in which the colliery is situated for the recovery of the amount of excise duty remaining unpaid.

(3) The Collector shall by the 10th of each month send monthly reports to the Chairman showing the amount recovered and deposited in the treasury.

31. Review of Assessment of Excise Duty.—(1) Any owner may submit an application to the Chairman for a review of an order of assessment under clause (b) and clause (c) of sub-rule (b) of rule 29 of excise duty within 30 days of receipt of notice of such assessment—

Provided that no such application shall be entertained unless the amount assessed has already been paid in the manner provided in sub-rule (3).

(2) If it is proved to the satisfaction of the Chairman that the excise duty assessed and paid by any owner is in excess of the amount due, he shall order the refund to the owner of such amount as may have been paid in excess.

(3) If, on the other hand, the Chairman is satisfied after examination of the records in his office and after hearing the owner that the assessment has been made correctly he shall confirm his order of assessment and the order of the Chairman shall be final.

32. Determination of the Net Proceeds of the Duty of Excise.—(1) For the purpose of section 11, the net proceeds of the duty of excise realised under section 8 in a financial year shall be determined separately in respect of each Railway administration collecting such duty and certified as soon as possible after the close of the financial year by such officers as the Central Government may appoint in this behalf.

(2) In determining the net proceeds under sub-rule (1) the officers shall take into account the total amount of the duty collected, the refunds granted and the amounts written off sanctioned by the Railway administration during the year, and the deduction towards the cost of collection fixed by the Central Government in accordance with these rules.

(3) The proceeds of excise duty collected in a financial year on coal, soft coke or hard coke despatched by means other than rail shall be determined and certified as soon as possible after the close of the financial year by such officer as may be appointed by the Central Government.

(4) The certificates under sub-rule (1) shall be sent to the Central Government and copies thereof to the Accountant General, West Bengal and the certificate under sub-rule 3 shall be sent to the Central Government and copies thereof to the Accountant General concerned by the officers concerned.

CHAPTER VI—POWERS OF THE BOARD: PENALTIES TO BE IMPOSED ETC.

33. Coal Samples for Analysis.—(1) The Board may for determining the grade and type of coal in any coal mine authorise in writing any Technical Officer of the Board or of the Central Government suitably qualified in this behalf to draw samples of coal for analysis from any seam or section of a seam of the coal mine and the owner, agent or manager, of the coal mine shall afford reasonable facilities to the officer so authorised for the collection of such samples.

(2) Grading will be done in accordance with the specifications prescribed by the Central Government from time to time for the purposes of the Colliery Control Order, 1945.

34. Duties regarding Information and Inspection.—(1) Every owner, agent or manager of a coal mine shall on request promptly furnish to the Board such information and plans as may be required by the Board for any purpose in furtherance of the objects of the Act.

(2) Every owner, agent or manager of a mine shall afford the members of the Board or of any Advisory Committee constituted by the Central Government under section 15 of the Act or any person duly authorised by the Board all reasonable facilities as may be necessary for carrying out the objects of the Act.

35. Orders for Stowing for Safety.—(1) Any order issued by a competent authority under sub-section (3) of section 13 of the Act shall be complied with by

the owner, agent or manager of a colliery within the period prescribed therein and failure to do so shall be deemed to be a contravention of this rule.

(2) Before an order is issued by the Board in exercise of the powers delegated to it by the Central Government for stowing for safety under clause (a) of sub-section (2) of section 7 or by an officer duly authorised under sub-section (4) of section 13, a duly qualified Inspecting Officer of the Board shall be deputed to inspect the mine and draw up plans of the areas to be stowed and to submit a report to the Board giving the details of the danger to the mine or neighbouring mines, the period within which stowing should be done, the areas to be stowed, the material to be used, the method of stowing to be adopted and the estimated cost of such stowing.

(3) The report may be referred by the Board to an Advisory Committee constituted under section 15 and the views of the Advisory Committee shall be considered by the Board.

(4) An order for stowing for safety shall detail the measures to be undertaken by the owner, agent or manager of the coal mine and the reasons therefor and the dates within which they should be commenced and completed and shall be accompanied by the plan of the area to be stowed.

36. Stowing for Conservation.—(1) For the purpose of conservation of coal, the Central Government may under sub-section (1) of section 7 issue or cause to be issued an order in writing requiring the owner, agent or manager of any coal mine to undertake stowing in such manner and within such period as may be prescribed in the order.

(2) The Central Government shall require an Inspecting Officer or Inspecting Officers to submit a report in regard to the colliery or collieries where, if stowing for conservation is not adopted, there will be a loss of coal which should be avoided in the public interest by the adoption of stowing.

(3) The Central Government may call for and consider the opinion of an Advisory Committee constituted under section 15 of the Act in regard to the necessity for stowing for conservation in any coal mine or mines.

(4) On consideration of the report of the Advisory Committee the Central Government shall from time to time determine the grade or grades, if any, of coal other than coking coal or coal which on beneficiation is likely to yield coking coal or coal suitable for blending which are required to be conserved and the colliery or collieries which should carry out stowing operations to ensure the maximum percentage of extraction of coal.

(5) An order for stowing for conservation shall detail the measures to be undertaken by the owner, agent or manager and the reasons therefor and the dates within which they should be commenced and shall be accompanied by a plan of the area to be stowed.

37. Washing for Conservation.—(1) Before the issue of an order requiring the owner, agent or manager of a colliery to take steps to beneficiate the coal produced from the colliery, the Central Government shall consider the washability characteristics of the coal, adequacy of transport facilities, the cost of washing, the disposal of middlings and such other matters as will make coal washing economically feasible.

(2) The views of an Advisory Committee constituted under section 15 of the Act may be called for and considered before the issue of an order specified in sub-rule (1)

(3) If the coal washery is to be installed by the owner, agent or manager of the mine specified in the order, the capacity of the washing plant to be installed, the grade or grades of coals that are required to be washed, the specified standard of the washed product and the nature and extent of the assistance that may be given by the Board shall be specified in the order.

(4) In such circumstances as may be considered expedient or appropriate, the owner, agent or manager of a colliery may by order in writing be required to get his coal washed at any central washery.

38. Other Measures for Conservation.—(1) The Central Government may by order in writing, served on the owner, agent or manager of a coal mine specify the maximum quantity of coal of any grade or grades that shall be produced during a specified period in accordance with any policy of coal conservation as may be determined by the Board.

(2) The Central Government may by order, in writing, served on the owner, agent or manager of a coal mine require the method of working in any coal mine

or seams to be modified in such manner as it deems necessary for the purpose of ensuring the conservation of coal.

(3) The Central Government may issue such directions as it deems fit restricting the supply of coking coal of any grade or grades or qualities to specified consumers in accordance with any policy of coal conservation as may be determined by the Board.

(4) The Central Government may by order in writing require the owner of any steel works, blast furnace or coke oven, using coking coal to undertake blending for conservation of coal in accordance with such procedure as may be determined by it from time to time.

39. Opening and Reopening of Coal Mines.—(1) No coal mine or seam shall be opened and no coal mine or seam the working whereof has been discontinued for a period exceeding six months shall be reopened and no operations shall be commenced without the prior permission in writing of the Board and except in accordance with such directions as the Board may give.

(2) When the coal produced in any coal mine or seam has not been graded, the Board shall when granting permission under sub-rule (1) require the owner to apply for a certificate of the grade or grades of coal produced in each seam of the coal mine. The owner shall accordingly submit an application in the manner prescribed by the Board.

(3) The Board shall grant a provisional grade on the basis of the seam sample. When the coal is allowed to be despatched on the basis of the provisional grade, the Board shall have power to draw wagon samples to determine the quality of the coal pertaining to the seam or seams. On the basis of the wagon sample drawn on at least three different days the final grade of the seam or seams of the particular colliery will be fixed by the Board.

(4) No coal shall be despatched from a coal mine without getting a certificate of grade under sub-rule (3) indicating the grade or grades of coal to be produced and despatched and no two grades of coal shall be mixed before despatch without the prior permission in writing of the Board.

(5) In the case of any coal mine producing more than one grade of coal, the owner, agent or manager shall make such arrangements as may be required by the Board to ensure that different grades of coal are not mixed before despatch.

(6) If it is proved to satisfaction of the Board that the owner, agent or manager of a colliery has produced or despatched any coal in contravention of sub-rule (1) or sub-rule (4) the Board may without prejudice to the powers conferred under rule 46 of these rules order the stoppage of all facilities to the colliery for despatch of coal for such period as the Board may specify.

40. Acquisition of Lands and Surface Rights.—For the due furtherance of the objects of the Act, the Board may acquire any lands or other surface rights or the right to remove sand from river beds and may dispose of surplus lands or surface rights or the rights to remove sand from river beds in its possession in accordance with rules to be framed by the Board with the approval of the Central Government or subject to such directions as may be given by the Central Government.

41. Construction of Ropeways and other Structures.—(1) The Board may construct or cause to be constructed ropeways and such other works or structures as may from time to time be required.

(2) Before any owner, agent or manager of a coal mine constructs a ropeway or other works (or structures) for excavating, loading, unloading or conveying of sand or other material for stowing in coal mines and obtains lease of a site to take sand from a river, he shall seek the approval of the Board to the scheme for which the installation or the lease, as the case may be, is considered necessary and such approval shall not ordinarily be withheld unless the scheme is likely to interfere with arrangements for the supply of sand or other stowing material to other coal mines or for other reasons which are to be recorded in writing.

(3) Before any owner, agent or manager of a coal mine installs any stowing plant not referred to in sub-rule (2) or washing plant he shall seek the prior approval of the Board for such an installation.

42. Appeal to the Central Government.—If the owner, agent or manager of a coal mine has any objection to any order issued by the Board under rules, 35, 36, 37, 38 or sub-rule (2) of rule 41 may, within 30 days of receipt of the order appeal against the same to the Central Government which may confirm, modify or cancel the order, as it deems necessary. A copy of such appeal shall be forwarded by such owner, agent or manager to the Coal Board.

Provided that on receipt of notice of appeal from the owner, agent or manager of a coal mine the operation of orders under rules 35, 36, 37 or 38 shall be suspended, pending the decision of the Central Government save and except in such case where compliance with such order is considered by the Board to be urgent.

43. Power of the Central Government to Recover Cost.—The Central Government or with the approval of the Central Government the Board may recover from the owner, agent or manager of a colliery either wholly or partially the cost of such measures or operations as are undertaken under section 6 if it is satisfied on consideration of all facts and circumstances that such recovery of cost is justified.

44. Supply of Copies of Orders.—(1) A copy of every order issued by the Board under rules 35, 36, 37 and 39 shall be forwarded to the Chief Inspector and the Coal Commissioner.

(2) A copy of every application received under sub-rule (1) of Rule 40 shall be sent to the Chief Inspector and the Coal Commissioner.

(3) A copy of every order issued by the Chief Inspector of an Inspector under sub-section (3) of section 13 shall be forwarded forthwith by such Chief Inspector or Inspector to the Board.

45. Secrecy of Information Obtained.—(1) All copies of, and extracts from registers, plans and other records appertaining to any mine and all other information acquired by a member of any Advisory Committee constituted under section 15 of the Act or by any person referred to in sub-rule (2) of rule 34 shall be regarded as confidential and shall not be disclosed to any person or authority unless the Chairman of the Board considers disclosure necessary to ensure safety or the conservation of coal.

(2) Nothing in sub-rule (1) shall apply to disclosure of such information (if so required) to:—

(a) any Court;

(b) a Mining Board, Committee or Court of enquiry constituted or appointed under section 12, section 13 or section 24 of the Indian Mines Act, 1952, as the case may be.

(3) If any person referred to in sub-rule (1) discloses, contrary to the provisions of this rule any such information as aforesaid without the consent of the Central Government or the Chairman, Coal Board, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) No court shall take cognizance of any offence under the rule except with the previous sanction of the Central Government.

46. Penalty for Contraventions of the Rules.—(1) Any contravention of these rules shall be punishable with imprisonment which may extend to three months or fine or both.

(2) No prosecution shall be instituted against any owner, agent or manager of a coal mine for any offence under these rules except with the sanction of the Board and at the instance of the Chairman of the Board.

47. Execution of Protective Measures Directly by the Board.—(1) The Board may prescribe the procedure to be followed for the submission of reports by the Inspecting Officer of the Board or the Chief Inspector of Mines and the examination of cases where it is necessary or expedient for the Board to undertake any protective measures under section 6.

(2) The Board may, for reasons to be recorded in writing sanction the payment from the Fund of the full cost of any protective measures undertaken under section 6. **Provided that—**

(i) the Board shall not undertake any such protective measures without the previous sanction of the Central Government, if the estimated cost of such measures exceeds rupees five lacs;

(ii) except in the case of an emergency, when any danger to a mine or the persons employed therein is apprehended the Board shall not incur any expenditure on any such protective measures which is not provided for under the relevant sub-head of the budget estimates;

Provided further that when any such expenditure is incurred in an emergency, intimation of such expenditure, shall as soon as possible, be sent to the Central Government.

CHAPTER VII—PROCEDURE FOR THE GRANT OF ASSISTANCE

48. Purposes for which Assistance may be granted.—(1) The Board may grant assistance from the Fund to any owner, agent or manager of coal mine:—

- (a) for stowing or other protective measures which are required to be undertaken by an order issued under sub-section (3) of section 13 or sub-rule (2) of rule 35;
 - (b) for any measures which in the opinion of the Board are essential for the effective prevention of the spread of fire to or the inundation by water of any coal mine from an area adjacent to it;
 - (c) for stowing for conservation of coal or washing coal which is required to be undertaken by an order under rule 35 or 37.
 - (d) for the following measures voluntarily undertaken by the owner, agent or manager of the coal mine:
 - (i) stowing operations in the interests of safety or conservation of coal,
 - (ii) any process of washing or cleaning coal which reduces its ash content and also improves its qualities or,
 - (iii) any other measures for safety in coal mines or for conservation of coal,
 - (e) for any other measures undertaken by the owner, agent or manager of a coal mine under the order of the Board to ensure conservation of coal.
- (2) The Board may grant assistance to owner of any steel work, blast furnace or coke plant for blending of coal undertaken under the orders of the Board.

49. Application for Assistance.—(1) The Board may determine the form in which applications for assistance are to be made, the documents and the particulars which are to accompany such applications and the dates by which the applications shall be submitted.

(2) Every owner, agent or manager who requires assistance from the Fund during any financial year shall apply for such assistance in conformity with the procedure determined by the Board under sub-rule (1).

50. Priority among Applications for Assistance.—(1) Priority among applications under rule 48 shall be determined by the Board according to the degree of urgency of the proposed operations from the point of view of safety and of conservation.

(2) (a) Before determining priority among applications for assistance for stowing operations voluntarily undertaken for safety, the Board shall call for and consider the opinion of the Chief Inspector or of an Advisory Committee as may be expedient.

(b) The Board may call for and consider the opinion of any Advisory Committee constituted under section 15 of the Act before determining priority under sub-rule (1).

51. Form of Assistance.—The Board may grant assistance from the Fund, at its discretion in each case in one or more of the following ways:—

- (i) by the grant of stowing materials;
- (ii) by the loan of stowing plant or such other plant as the Board may decide;
- (iii) by making monetary grants towards the expenses involved in carrying out the measures for which assistance is granted;
- (iv) by the grant of loan for meeting either wholly or in part expenses on the purchase and installation of stowing plant in coal mines blending plant or washing plant or any other plant for the beneficiation of coal.

52. Quantum of Assistance.—(1) Assistance from the Fund shall be granted by the Board with due regard to the circumstances of each case and the Board may fix from time to time with the approval of the Central Government the maximum rate or amount of assistance to be granted for any measure or measures for safety or conservation of coal provided that quantum of assistance for stowing for conservation undertaken under clause (c) and (d) of sub-rule (1) of rule 49 shall be the same as that for stowing undertaken voluntarily in the interests of safety in coal mines.

(2) Where assistance is granted in the form of a monetary grant it shall be based on the expenditure involved (including the cost of depreciation of any plant in use) as assessed by the Board for the execution of the measures for which the assistance is granted.

(3) A loan for the purchase and installation of plant shall take the form of direct payment or guarantee of payment, up to the limit of the loan sanctioned, of the bills as the Board may consider necessary.

53. Conditions attaching to the Grant of Assistance.—Before granting assistance under these rules, the Board shall require the owner, agent or manager of the mine to whom assistance is proposed to be granted to execute a bond with or without surety for the fulfilment of such conditions as may be imposed by the Board.

54. Conditions attaching to the Grant of Loans.—(1) The Central Government shall from time to time fix the rates of interest to be charged on loans granted by the Board for the purchase and installation of stowing plant, blending plant, washing plant or any other beneficiation plant.

(2) Every such loan shall—

(a) bear interest until repayment at the rate fixed under sub-rule (1) and in force at the time of granting the loans, and

(b) shall be repayable within such time as the Board may in each case determine.

(3) The Board shall, before granting any loan, take proper security for its repayment.

55. Research.—(1) The Board may grant assistance from the Fund for the prosecution by any agency or such types of research work connected with safety in coal mines or conservation and utilisation of coal as may be authorised by the Central Government.

(2) The Board may also arrange for the prosecution of research work under its own supervision.

CHAPTER VIII—ACCOUNTS AND AUDIT

56. Deposit of Money.—The sum of money received under section 11 and any other moneys received by or on behalf of the Board shall be deposited to the credit of the Coal Mines Safety and Conservation Fund in the manner provided in rule 57.

Provided that the Board may from time to time authorise the retention in the charge of the Chairman or an officer of the Board of such sum as it thinks fit as petty cash to meet contingent expenditure.

57. Keeping of Accounts in Banks.—(1) The current account or accounts of the Board shall be kept in such Banks as may be approved by the Central Government and all moneys at the disposal of the Board with the exception of petty cash and of moneys placed in fixed deposit or invested in accordance with the provisions hereinafter contained shall be paid into those accounts.

(2) Any funds not required for current expenditure may be placed in fixed deposit with any Bank approved in this behalf by the Central Government or invested in the name of the Board in any security in which trust property may lawfully be invested under the Indian Trusts Act, 1882 (II of 1882).

(3) The placing of money in fixed deposit and the investment thereof and the disposal of moneys so placed or invested shall be subject to the sanction of the Board.

(4) Payments by or on behalf of the Board shall be made in cash or by cheque drawn against a current account of the Board.

(5) The cheque referred to in sub-rule (4) and all orders for the making of deposits or investments or for the withdrawal of such deposits or the realisation of such investments or for the disposal in any other manner of the funds of the Board shall be signed by the Deputy Secretary to the Board or an officer duly authorised in this behalf by the Board and countersigned by the Chairman or by a member authorised by the Board in this behalf.

58. Budget.—(1) The Board shall in each year prepare a budget for the ensuing financial year and shall submit it for the sanction of the Central Government on or before the 1st November.

(2) The Budget shall include statements of:—

(i) the estimated opening balance;

(ii) the estimated receipts under section 11 and from other sources; and

- (iii) the proposed expenditure classified under the heads specified in sub-rule (3) of rule 60 and such other heads as may be settled at a meeting of the Board.

59. Keeping Auditing and Publication of Accounts.—(1) The Board shall keep accounts of all moneys received in and expended out of the Fund during each financial year.

(2) Such accounts shall be examined and audited as prescribed in sub-section (2) of section 12 of the Act.

(3) The Comptroller and Auditor General may disallow any item which has in his opinion been expended out of the Fund otherwise than as directed by or under the Act or these rules.

(4) If an item of expenditure is disallowed by the Comptroller and Auditor General the Central Government may:

- (a) either remit the disallowance made by the Auditors; or
- (b) sanction the expenditure; or
- (c) direct that the amount be recovered from the person or persons responsible for the expenditure and credited to the fund, provided that no recovery under this sub-clause shall be permissible if the expenditure has been incurred in good faith; or
- (d) direct that the item disallowed shall be dealt with in such other way as the Central Government may think fit.

(5) The audited statement of receipts and expenditure, together with the annual report referred to in clause (e) of sub-rule (2) of rule 13 shall be submitted to the Central Government not later than the 31st day of July in each year.

(6) An abstract statement of the accounts together with the Auditor's report thereon shall be published annually in the official Gazette.

60. Receipts and Expenditure.—(1) The accounts of receipts shall be shown under the following heads:—

- (a) a sum received under section 11;
- (b) any other moneys received;
- (c) any interest that may have accrued from the investment of such sum or moneys as aforesaid.

(2) Total receipts only shall be shown under each of the heads specified in sub-rule (1) and the opening balance, if any, shall also be stated.

(3) Accounts of expenditure shall be shown under the following heads:—

- (a) administration of the Board;
- (b) other expenditure connected with the administration of the Act;
- (c) grant of stowing materials or other assistance for stowing operations to owners, agents or managers of coal mines;
- (d) other measures taken in connection with the furtherance of the objects of the Act;
- (e) miscellaneous.

(4) The closing balance of the year shall be shown at the foot of the accounts on the expenditure side.

(5) In addition to the particulars required by sub-rule (3) separate statements under heads (c) and (d) referred to in that sub-rule shall be drawn up, which shall show the sums paid to each owner, agent or manager of a coal mine independently, or spent otherwise.

[No. 24-CI(16)/52.]

P. M. NAYAK, Dy. Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 24th March, 1953

S. R. O. 614.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby directs that the following further amendments shall be made with immediate

effect in the Supplementary Rules, issued with the Government of India in the late Finance Department's letter No. 104-CSR, dated the 4th February 1922, namely :—

In Part VIII of the said Rules, in Division XXVI-B—

1. In the table below Supplementary rule 317-B-3, for the entries relating to classes D-1, D-2, E-1, E-2, F-1, F-2, F-3, G-1 and G-2, the following entries shall be substituted, namely :—

"D-1.....Less than Rs. 1,000 but not less than Rs. 750.

D-2.....Less than Rs. 750 but not less than Rs. 500.

E.....Less than Rs. 500 but not less than Rs. 250.

F.....Less than Rs. 250 but not less than Rs. 150.

G.....Less than Rs. 150".

2. In sub-rule (2) of Supplementary rule 317-B-5, for the existing provisos the following proviso shall be substituted, namely :—

Provided that the card pertaining to an officer who has no allotment under these Rules or who is in occupation of a residence which is of a class lower than that next below the class to which he is entitled shall also be retained in Part B of the card index of the class next below that to which he is entitled".

3. In sub-rule (1) of supplementary rule 317-B-9, the words "of the appropriate class" shall be omitted.

4. For the existing Schedule, the following shall be substituted, namely :—

SCHEDULE

Class of Residence	Particulars of Residence
HOR	(1) 19, Akbar Road. (2) 10, Queensway. (3) 9, Queensway. (4) 3, Hastings Road. (5) 4, Do. (6) 5, Do. (7) 6, Do. (8) 7, Do. (9) 8, Do. (10) 4, King George's Avenue. (11) 8, King George's Avenue. (12) 12, King George's Avenue. (13) 23, Akbar Road. (14) 24, Akbar Road. (15) 2, York Road. (16) 1, Diplomatic Enclave. (17) 2, Diplomatic Enclave. (18) 3, Diplomatic Enclave.
A	(1) 3, Queensway. (2) 5, Queensway. (3) 4, York Road. (4) 6, York Road. (5) 8, York Road. (6) 9, York Road. (7) 10, York Road. (8) 11, York Road. (9) 2, Roberts Road. (10) 8, Albuquerque Road. (11) 10, Albuquerque Road. (12) 1, Clive Road. (13) 1, Race Course Road. (14) 3, Race Course Road. (15) 5, Race Course Road. (16) 7, Race Course Road. (17) 9, Race Course Road. (18) 11, Race Course Road. (19) 1, York Place. (20) 2, York Place. (21) 3, York Place.

Class of Residence	Particulars of Residence
(22)	5, York Place.
(23)	6, York Place.
(24)	12, Queensway.
(25)	5, Sonchri Bagh Road.
(26)	5, Dupleix Road.
(27)	3, Dupleix Road.
(28)	1, Safdarjung Road.
(29)	3, Safdarjung Road.
(30)	5, Safdarjung Road.
(31)	7, Safdarjung Road.
(32)	5, Tughlak Road.
(33)	7, Tughlak Road.
(34)	9, Tughlak Road.
(35)	11, Tughlak Road.
(36)	13, York Road.
(37)	23, Safdarjung Road.
(38)	25, Safdarjung Road.
(39)	27, Safdarjung Road.
(40)	16, Tughlak Road.
(41)	23, Tughlak Road.
(42)	25, Tughlak Road.
(43)	7, Tughlak Road.
(44)	30, Prithvi Raj Road.
(45)	6, King George's Avenue.
(46)	1, Hastings Road.
(47)	2, Do.
(48)	9, Do.
(49)	10, Do.
(50)	14, Akbar Road.
(51)	16, Akbar Road.
(52)	17, Akbar Road.
(53)	18, Akbar Road.
(54)	21, Akbar Road.
(55)	22, Akbar Road.
(56)	22, York Road.
(57)	7, Dupleix Road.
(58)	3, Akbar Road.
(59)	4, Akbar Road.
(60)	4, Sonchri Bagh Road.
(61)	4, Queensway.
(62)	6, Queensway.
(63)	5, Akbar Road.
(64)	6, Do.
(65)	7, Do.
(66)	8, Do.
(67)	9, Do.
(68)	10, Do.
(69)	11, Do.
(70)	12, Do.
(71)	1, Do.
(72)	1, Tughlak Road.
(73)	27, Tughlak Road.
(74)	1, Queensway.
(75)	2, Queensway.
(76)	1, Sonchri Bagh Road.
(77)	5, York Road.
(78)	1, Roberts Road.
(79)	13, Akbar Road.
(80)	15, Akbar Road.
(81)	7, York Road.
(82)	3, Sonchri Bagh Road.
(83)	8, Tughlak Road.
(84)	2, Sonchri Bagh Road.
(85)	3, Tughlak Road.
(86)	3, Do.
(87)	4, Do.
(88)	6, Do.
(89)	10, Do.

Class of Residence

Particulars of Residence

A—contd.

- (90) 12, Tughlak Road.
- (91) 13, Do.
- (92) 14, Do.
- (93) 32, Prithvi Raj Road.
- (94) 34, Do.
- (95) 8, Ashoka Road.
- (96) 3, Kushak Road.
- (97) 4, Do.
- (98) 7, Do.
- (99) 8, Do.
- (100) 5, Clive Road.
- (101) 3, Raisina Road.
- (102) 6, Do.
- (103) 3, Clive Road.
- (104) 7, Do.
- (105) 9, Do.
- (106) 11, Do.
- (107) 30, Aurangzeb Road.
- (108) 31, Do.
- (109) 32, Do.
- (110) 33, Do.
- (111) 34, Do.
- (112) 35, Do.
- (113) 36, Do.
- (114) 37, Do.
- (115) 9, Safdarjang Road.
- (116) 11, Do.
- (117) 13, Do.
- (118) 15, Do.
- (119) 17, Do.
- (120) 19, Do.
- (121) 21, Do.
- (122) 1, King George's Avenue.
- (123) 23, Ashoka Road.

B

- (1) 1, Jantar Manter Road.
- (2) 2, Do.
- (3) 4, Do.
- (4) 4, Ashoka Road.
- (5) 6, Do.
- (6) 7, Do.
- (7) 12, Do.
- (8) 17, Do.
- (9) 20, Do.
- (10) 25, Do.
- (11) 5, Raisina Road.
- (12) 7, Do.
- (13) 9, Do.
- (14) 10, Do.
- (15) 7, Old Mill Road.
- (16) 1, Kushak Road.
- (17) 2, Do.
- (18) 5, Do.
- (19) 6, Do.
- (20) 9, Do.
- (21) 10, Do.
- (22) 10, Ashoka Road.
- (23) 13, Do.
- (24) 15, Do.
- (25) 1, Old Mill Road
- (26) 2, Do.
- (27) 3, Do.
- (28) 4, Do.
- (29) 9, Ashoka Road.
- (30) 11, Do.
- (31) 3, Do.
- (32) 5, Do.

Class of Residence

Particulars of Residence

B—contd

- (33) 14, Ashoka Road.
 (34) 16, Do.
 (35) 18, Do.
 (36) 19, Do.
 (37) 21, Do.
 (38) 5, Old Mill Road.
 (39) 9, Do.
 (40) 15, Queen Mary's Avenue.
 (41) 15, Gurdwara Road.
 (42) 2, Tughlak Lane.
 (43) 3, Do.
 (44) 4, Do.
 (45) 5, Do.
 (46) 6, Do.
 (47) 8, Do.
 (48) 10, Do.
 (49) 12, Do.
 (50) 3, Roberts Road.
 (51) 4, Do.
 (52) 5, Do.
 (53) 6, Do.
 (54) 7, Do.
 (55) 8, Do.
 (56) 9, Do.
 (57) 10, Do.
 (58) 11, Do.
 (59) 12, Do.
 (60) 13, Do.
 (61) 15, Do.
 (62) 17, Do.
 (63) 1, Safdarjang Lane.
 (64) 2, Do.
 (65) 3, Do.
 (66) 4, Do.
 (67) 5, Do.
 (68) 6, Do.
 (69) 7, Do.
 (70) 8, Do.
 (71) 9, Do.
 (72) 11, Do.
 (73) 13, Do.
 (74) 15, Do.
 (75) 18, Tughlak Crescent.
 (76) 20, Do.
 (77) 22, Do.
 (78) 24, Do.
 (79) 26, Do.
 (80) 28, Do.
 (81) 30, Do.

C—I

- (1) 1, Duplex Lane
 (2) 2, Do.
 (3) 3, Do.
 (4) 4, Do.
 (5) 5, Do.
 (6) 6, Do.
 (7) 7, Do.
 (8) 8, Do.
 (9) 2, South Avenue.
 (10) 3, Do.
 (11) 4, Do.
 (12) 206, Rouse Avenue.
 (13) 208, Do.
 (14) 210, Do.
 (15) 212, Do.
 (16) 215, Do.

Class of Residence	Particular of Residence
C—I—Contd.	(17) 217, Rouse Avenue
	(18) 219, Do.
	(19) 221, Do.
	(20) 223, Do.
	(21) 225, Do.
	(22) 1, Curzon Lane.
	(23) 3, Do.
	(24) 5, Do.
	(25) 7, Do.
	(26) 9, Do.
	(27) 11, Do.
	(28) 13, Do.
	(29) 15, Do.
	(30) 17, Do.
	(31) 19, Do.
	(32) 21, Do.
	(33) 23, Do.
	(34) 25, Canning Lane.
	(35) 27, Do.
	(36) 29, Do.
	(37) 31, Do.
	(38) 33, Do.
	(39) 35, Do.
	(40) 37, Do.
	(41) 39, Do.
	(42) 41, Do.
	(43) 43, Do.
	(44) 45, Do.
	(45) 47, Do.
	(46) 1, Kotla Lane.
	(47) 2, Do.
	(48) 3, Do.
	(49) 4, Do.
	(50) 5, Do.
	(51) 6, Do.
	(52) 1, Roberts Lane.
	(53) 2, Do.
	(54) 3, Do.
	(55) 4, Do.
	(56) 5, Do.
	(57) 6, Do.
	(58) 7, Do.
	(59) 8, Do.
	(60) 9, Do.
	(61) 10, Do.
	(62) 11, Do.
	(63) 12, Do.
	(64) 13, Do.
	(65) 14, Do.
	(66) 15, Do.
	(67) 16, Do.
	(68) 17, Do.
	(69) 18, Do.
	(70) 19, Do.
	(71) 17, Willingdon Crescent.
	(72) 18, Do.
	(73) 19, Do.
	(74) 20, Do.
	(75) 21, Do.
	(76) 22, Do.
	(77) 23, Do.
	(78) 24, Do.
	(79) 1-A, Lodhi Road.
	(80) 8-A, Do.
	(81) 8-B, Do.
	(82) 1, Do.
	(83) 2, Do.

Class of Residence

Particular of Residence

C-1—Concl'd

(84)	3,	Lodhi Road
(85)	4,	Do.
(86)	5,	Do.
(87)	6,	Do.
(88)	7,	Do.
(89)	8,	Do.
(90)	9,	Do.
(91)	14,	Do.
(92)	15,	Do.
(93)	16,	Do.
(94)	17,	Do.
(95)	22,	Do.
(96)	23,	Do.
(97)	24,	Do.
(98)	25,	Do.
(99)	30,	Do.
(100)	31,	Do.
(101)	32,	Do.
(102)	33,	Do.
(103)	38,	Do.
(104)	39,	Do.
(105)	40,	Do.
(106)	41,	Do.
(107)	42,	Do.
(108)	43,	Do.
(109)	44,	Do.
(110)	45,	Do.
(111)	46,	Do.
(112)	53,	Do.
(113)	54,	Do.
(114)	55,	Do.
(115)	56,	Do.
(116)	57,	Do.
(117)	58,	Do.
(118)	59,	Do.
(119)	60,	Do.
(120)	61,	Do.
(121)	62,	Do.
(122)	63,	Do.
(123)	64,	Do.
(124)	75,	Do.
(125)	76,	Do.
(126)	77,	Do.
(127)	78,	Do.
(128)	79,	Do.
(129)	80,	Do.
(130)	81,	Do.
(131)	82,	Do.

C-2

(1)	2,	Gurdwara Road.
(2)	9,	Do.
(3)	11,	Do.
(4)	13,	Do.
(5)	19,	Do.
(6)	21,	Do.
(7)	23,	Do.
(8)	27,	Do.
(9)	2,	Talkatora Road.
(10)	11,	Do.
(11)	13,	Do.
(12)	14,	Do.
(13)	16,	Do.
(14)	7,	Queen Mary's Avenue.
(15)	8,	Do.
(16)	9,	Do.
(17)	10,	Do.
(18)	11,	Do.

Class of Residence	Particulars of Residence
C-2— <i>contd.</i>	(19) 12, Queen Mary's Avenue
	(20) 13, Do.
	(21) 14, Do.
	(22) 1, Do.
	(23) 2, Do.
	(24) 2, Mahadeo Road.
	(25) 1, Allenby Road.
	(26) 2, Do.
	(27) 3, Do.
	(28) 4, Do.
	(29) 5, Do.
	(30) 6, Do.
	(31) 7, Do.
	(32) 8, Do.
	(33) 9, Do.
	(34) 10, Do.
	(35) 11, Do.
	(36) 12, Do.
	(37) 13, Do.
	(38) 14, Do.
	(39) 15, Do.
	(40) 17, Do.
	(41) 19, Do.
	(42) 21, Do.
	(43) 2, Queen Victoria Road.
	(44) 4, Do.
	(45) 6, Do.
	(46) 8, Do.
	(47) 10, Do.
	(48) 12, Do.
	(49) 14, Do.
	(50) 16, Do.
	(51) 18, Do.
	(52) 20, Do.
	(53) 22, Do.
	(54) 24, Do.
	(55) 26, Do.
	(56) 30, Do.
	(57) 32, Do.
	(58) 2, Lytton Lane.
	(59) 4, Do.
	(60) 6, Do.
	(61) 8, Do.
	(62) 10, Do.
	(63) 12, Do.
	(64) 14, Do.
	(65) 16, Do.
	(66) 18, Do.
	(67) 20, Do.
	(68) 10, Lodhi Road
	(69) 11, Do.
	(70) 12, Do.
	(71) 13, Do.
	(72) 18, Do.
	(73) 19, Do.
	(74) 20, Do.
	(75) 21, Do.
	(76) 26, Do.
	(77) 27, Do.
	(78) 28, Do.
	(79) 29, Do.
	(80) 34, Do.
	(81) 35, Do.
	(82) 36, Do.
	(83) 37, Do.
	(84) 47, Do.
	(85) 48, Do.

Class of Residence	Particulars of Residence
C-2—concl'd.	(86) 49, Lodhi Road.
	(87) 50, Do.
	(88) 51, Do.
	(89) 52, Do.
	(90) 65, Do.
	(91) 66, Do.
	(92) 67, Do.
	(93) 68, Do.
	(94) 69, Do.
	(95) 70, Do.
	(96) 71, Do.
	(97) 72, Do.
	(98) 73, Do.
	(99) 74, Do.
	(100) 83, Do.
	(101) 84, Do.
	(102) 85, Do.
	(103) 86, Do.
	(104) 87, Do.
	(105) 88, Do.
	(106) 89, Do.
	(107) 90, Do.
	(108) 91, Do.
	(109) 92, Do.
	(110) 93, Do.
	(111) 94, Do.
	(112) 95, Do.
	(113) 96, Do.
	(114) 97, Do.
	(115) 98, Do.
	(116) 99, Do.
	(117) 100, Do.
	(118) 1, Gurdwara Road.
	(119) 3, Do.
	(120) 5, Do.
	(121) 7, Do.
	(122) 2, Rakabganj Road.
	(123) 3, Do.
	(124) 4, Do.
	(125) 5, Do.
	(126) 6, Do.
	(127) 7, Do.
	(128) 8, Do.
	(129) 10, Do.
	(130) 12, Do.
	(131) 13, Do.
	(132) 14, Do.
	(133) 15, Do.
	(134) 16, Do.
	(135) 17, Do.
	(136) 19, Do.
	(137) 21, Do.
	(138) 1, Talkatora Road.
	(139) 4, Do.
	(140) 5, Do.
	(141) 6, Do.
	(142) 7, Do.
	(143) 8, Do.
	(144) 9, Do.
	(145) 10, Do.
	(146) 12, Do.
	(147) 3, Do.
D-1	(1) to (112). Officers' flats, Man Nagar.
	(113) to (200). Officers' flats, Shan Nagar.
	(201) to (295) U. O. C. Class B.
	Nos. 66, 68, Ashoka Road.

Class of Residence	Particulars of Residence
	<p>Nos. 3, 4, 7, 8, 11, 12, 15, 16, 19, 20, 25, 26, 29, 30, 33, 34, 37, 38, 41 and 42 Irwin Road.</p> <p>Nos. 1, 2, 5, 6, 9, 10, 13, 14, 17, 18, 21, 22, 27, 28, 31, 32, 35, 36, 39, 40, 43 and 44 Irwin Road.</p> <p>Nos. 9, 11, 16, 17, 18, 19, 20, 22, 24 and 26 Mahadeo Road.</p> <p>Nos. 30, 32, 34, 36, 38, 40, 42, and 44 Ashoka Road.</p> <p>Nos. 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101 and 103 Circular Road.</p> <p>Nos. 1, 2, 3 and 4 Mata Sundri Road.</p> <p>(296) to (318) <i>Orthodox quarters Class A.</i></p> <p>Nos. 4, 6, 26, 28 and 30 Atol Grove.</p> <p>Nos. 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 46, 47, 48, 51, 52, 53 and 54 Reading Road.</p>
D-2	<p>(1) to (220) Junior Officer's flats at Meena Bagh, Pandara Road and other localities (completed/to be completed in 1952/1953).</p> <p>(221) to (338) <i>U. O. C. Class C.</i></p> <p>Nos. 1 to 14 Market Road.</p> <p>Nos. 1, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 21, 23, 25, 27, 28, 30, 32 and 34 Mahadeo Road.</p> <p>Nos. 26, 28, 46, 48, 50, 52, 54, 56, 58, 60, 62 and 64 Ashoka Road.</p> <p>Nos. 1 to 6 and 11 to 18 Park Lane.</p> <p>Nos. 1 to 4 Talkatora Road.</p> <p>Nos. 3 and 5 Queen Mary's Avenue.</p> <p>Nos. 5 to 28, 30, 32, 37, 39, 41, 43, 45 and 47 Mata Sundri Road.</p> <p>Nos. 38, 40, 42 and 44 Kotla Road.</p> <p>Nos. 194 to 205, 207, 209, 211 and 213 Rouse Avenue.</p>
E	<p>(a) Orthodox quarters Class 'B' 136</p> <p>(b) Unorthodox quarters Class 'D' New Delhi. 158</p> <p>(c) Unorthodox quarters Class 'D' Karol Bagh. 54</p> <p>(d) A-type flats, Lodi Road 213</p> <p>(e) Orthodox quarters Class 'C' 341</p> <p>(f) J-Joint flats 100</p> <p style="text-align: right;">1002</p>
F	<p>(a) Orthodox quarters Class 'D'. D. I. Z. Area. 970</p> <p>(b) Orthodox quarters Class 'D' Minto Road Area. 284</p> <p>(c) B-type flats, Lodi Road 1090</p> <p>(d) B-type flats, Dev Nagar 228</p> <p>(e) Ground floor flats, Chitra Gupta Road 40</p> <p style="text-align: right;">2612</p>
G	<p>(a) Orthodox quarters Class 'E' (Old regular) 404</p> <p>(b) Orthodox quarters Class 'E'—</p> <p style="padding-left: 20px;">Rouse Avenue (Mahabat Khan Road) 48</p> <p style="padding-left: 20px;">Aram Bagh Area 57</p> <p style="padding-left: 20px;">Baird Lane 40</p> <p style="padding-left: 20px;">Irwin Road 1</p> <p>(c) Chitra Gupta Road flats (first and second floors only). 80</p> <p>(d) Two roomed flats in Vinay Nagar (built prior to 1952). 1606</p> <p style="text-align: right;">2236</p>

S.R.O. 615.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby directs that the following further amendments shall be made with immediate effect in the Supplementary Rules, issued with the Government of India in the late Finance Department's letter No. 104-C.S.R., dated the 4th February 1922, namely:—

In Part VIII of the said Rules, in Division XXVI-C—

1. In the table below Supplementary rule 317-B-3 as made applicable for this Division, for the entries relating to Classes F and G, the following entries shall be substituted, namely:—

"F.....Less than Rs. 250 but not less than Rs. 150.

G.....Less than Rs. 150."

2. In the Schedule—

(i) under class F, the entry "(183) to (382) 1-200 E Timarpur" shall be deleted, and

(ii) under Class G, for the existing entries, the following entries shall be substituted, namely:—

"(1) to (206) 1-206 E, Timarpur.

(207) to (266) 1-60, Lancers Road.

(267) to (602) Double storeyed flats in Timarpur".

[No. 3006-WII/53.]

New Delhi, the 28th March 1953

S.R.O. 616.—In pursuance of clause (b) of Section 2 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (XXX of 1952) the Central Government hereby authorises the Revenue Divisional Officers under the Madras State Government to perform the functions of a competent authority under the said Act for the areas falling within their respective jurisdictions.

[No. 3206-WII/53].

New Delhi, the 30th March 1953

S.R.O. 617.—In exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act, 1884 (IV of 1884), the Central Government hereby directs that the following further amendment shall be made in the Explosives Rules, 1940, the same having been previously published, as required by section 18 of the said Act, namely:—

In the proviso to rule 2A of the said Rules for the figures '1953' the figures '1954' shall be substituted.

[No. M-102(44)/51].

K. K. SHARMA, Dy. Secy.

New Delhi, the 27th March 1953

S.R.O. 618.—In exercise of the powers conferred by section 45 of the Delhi and Ajmer Rent Control Act, 1952 (XXXVIII of 1952), the Central Government hereby makes the following rules, namely:—

Chapter I—Preliminary

1. **Short title.**—These rules may be called the Delhi and Ajmer Rent Control Rules, 1953.

2. **Definition.**—In these rules, "the Act" means the Delhi and Ajmer Rent Control Act, 1952.

Chapter II—Service of Notice

3. **Service of notice, etc.**—Unless otherwise provided by the Act any notice or intimation required or authorised by the Act to be served on any person shall be served—

(a) by delivering it to the person, or

(b) by forwarding it to the person by registered post with acknowledgement due.

Chapter III—Procedure for suits, proceedings, appeals, etc.

4. **Procedure of the Code of Civil Procedure, 1908, to be generally followed.**—In deciding any question relating to procedure not specifically provided by the Act or by these Rules, the Court shall, as far as possible, be governed by the provisions contained in the Code of Civil Procedure, 1908.

5. **Service of Summons.**—If the party instituting a case under the Act so wishes, the Court may serve the Summons on the opposite party or parties in the first instance by registered post with acknowledgement due instead of in the manner laid down in the Code of Civil procedure, 1908, for service of summons.

6. **Manner in which the Court may hold summary inquiry.**—(1) The Court shall hear all cases under the Act as expeditiously as possible and, where a summary inquiry is held, shall not, except in very special circumstances, adjourn the hearing.

(2) In holding a summary inquiry into any case, it shall be sufficient for the judge to make a memorandum of the substance of what each witness deposes instead of taking down the evidence in full.

Chapter IV—Court Fees

7. **Levy of Court Fees and other fees.**—(1) The court fee leviable on any application to the court under the Act shall be one rupee and on the memorandum of any appeal against an order passed on such an application, five rupees.

(2) In any suit, appeal or other proceeding not covered by sub-rule (1) the court fee shall be the same as is chargeable under the Court Fees Act, 1870, and the provisions of that Act shall apply to the recovery of such court fee.

Chapter V—Inquiries before the Controller

8. **Commencement of inquiry by Controller.**—The Controller may start the inquiry under Chapter IV of the Act for fixing the fair rates under section 24 or revision thereof under section 25 either *suo motu* or on an application made to him in writing signed by the person making it and delivered to the Controller either in person or sent to his office address by registered post.

9. **Register of inquiries.**—Every such inquiry made by the Controller or inquiry in connection with the issue of a certificate under section 28 shall bear a separate number and each such inquiry shall be entered in a separate register which shall be maintained in the form appended to these Rules.

10. **Procedure for applications to Controller.**—An application for the revision of fair rates when made by the manager of a hotel or owner of a lodging house or for a certificate against the lodger shall be in writing signed by the manager of the hotel or the owner of the lodging house and delivered to the Controller either in person or sent to his office address by registered post.

11. **Contents of applications to Controller.**—The application for the revision of the fair rates shall state the material grounds on which the revision is sought and the application for a certificate shall state the name, description and the postal address of the lodger against whom the certificate is sought as also the grounds for the same and a brief statement of the material facts in support thereof.

12. **Procedure for fixing fair rates or for revising them.**—(1) Before fixing the fair rates or revising them, the Controller shall receive and consider such oral and documentary evidence as the applicant if any and the manager of the hotel or owner of the lodging house may lead.

(2) The Controller shall, as far as practicable, make such inquiries as he deems necessary from other lodgers in the hotel or lodging house.

13. **Procedure for certificate against lodgers.**—Before making an order granting or refusing to issue a certificate against a lodger the Controller shall receive and consider such evidence as the lodger and the manager of a hotel or owner of a lodging house may lead.

14. **Manner of recording oral evidence.**—The Controller shall make a short memorandum of the substance of what each witness deposes.

15. **Contents of the order of Controller.**—The final order passed by the Controller in an inquiry under the Act shall state in brief the reasons in support of the order made. The order shall be signed by the Controller and shall bear the date the day on which it was passed. It shall specify separately the fair rates for lodging, board or other services for—

(a) monthly lodgers, and

(b) daily lodgers, that is to say, those who reserve accommodation for a period of less than a month.

16. **Copies of the order to be sent to parties.**—A copy of the order passed by the Controller shall be sent by registered post with acknowledgement due to the parties concerned.

17. **Display of notice of fair rates.**—The manager of the hotel or owner of the lodging house concerned shall display a notice of the fair rates fixed or revised by the Controller and all the provisions of the Act and these Rules relating thereto, in a conspicuous manner in the hotel or lodging house.

18. **Certificate to be sent to the Manager.**—The certificate issued under section 28 shall be sent to the manager of the hotel or owner of the lodging house concerned and a copy thereof to the lodger concerned by registered post with acknowledgement due.

APPENDIX

Form of the Register to be maintained by the Controller.

(See rule 9)

Serial No.	Name of the parties and hotel or lodging house	Date of the receipt of the application	Nature of the application	Date of decision	How it was decided
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[No. 158-E-II/53].

S. RANGANATHAN, Joint Secy.

MINISTRY OF LABOUR

New Delhi, the 14th March 1953

S.R.O. 619.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Bank Disputes) in the matter of victimisation, etc., of workmen in banking companies.

BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES), BOMBAY

PRESENT:

Shri S. Panchapagesa Sastry—*Chairman.*

Between

Shri M. L. Tannan }
Shri V. L. D'Souza } *Members.*

BETWEEN.

Shri B. Someshwara Rao (Since deceased)

AND

Imperial Bank of India.

} Serial No. 217 in Schedule
to Government of India
Notification S.R.O. 42,
dated 8th January 1952.
} (Ref. No. 2 of 1952).

AWARD

This is one of the disputes referred to us under the Notification of the Government of India S.R.O. 42, dated 8th January 1952. It appears in the Schedule therein as Serial No. 217. The nature of the dispute is set down as "Termination of services". The workman who was called upon to file particulars of his case represented to us that he was not able to do so "as the relevant correspondence, documents, etc., were all in a box which was lost in transit while travelling by train sometime in January 1951". He added however that all the full particulars had been set out before the Sen Tribunal which inquired into the matter and that he stood by all the statements therein. Subsequently he sent a further statement in which he gave his explanation to the charges levelled against him by the Bank. The Bank filed a reply statement justifying the dismissal of the workman. Subsequently the Bank wrote to us that the workman died on 12th March 1952. We were again informed by the Bank that he had left behind him a widow, Srimathi Bonda Annapoornammal, two minor sons, two minor daughters, a brother and two sisters. It was stated therein that the widow was acting as the guardian of the minor children and her address also was given. The Bank further stated that the claim for reinstatement being obviously impossible, the whole dispute came to an end and there was no provision for hearing the dispute after the death of the workman. We however thought it better to give

notice to the widow who was also guardian for her two minor sons and to hear what she might have to say in the matter. The case was taken up at Madras. She was absent. The Bank's Counsel took us through all the relevant facts. Late in the evening of that day a telegram was received purporting to be from the widow asking for an adjournment on the ground that the train services were dislocated. We accordingly adjourned the matter to be heard again at Bombay. Notice for fresh hearing fixed for 30th January 1953 at Bombay was sent to her. The Tribunal received a telegram from the widow praying for adjournment on the ground of illness. We granted an adjournment and also communicated the same to her. On the final date of hearing she was not present. She has merely sent a communication reiterating that her husband was unlawfully dismissed, that she herself is eking out a miserable existence and unable to maintain herself and her children. She has prayed that she may be granted compensation to the extent of Rs. 7,500 and also a pension of Rs. 100 per mensem and that her sons should be provided with employment in the Bank when they come of age.

2. The Bank's statement sets out the circumstances under which the workman was dismissed by their order of 16th February 1949. According to the Bank he was guilty of several acts of misconduct. He was applying for financial help to various constituents of the Bank. He was absenting himself from duty without sanction. He also made unfounded charges against the Head Cashier of the branch where he was working, as having instigated a foul attack on his person through his hirelings. He was seen selling tickets for some benefit show to recoup himself for the loss of about Rs. 2,000 which he had to make good when shortage in cash was discovered. On these and other grounds the Bank dismissed him.

3. In view of the fact that the workman is dead and reinstatement is not possible, the main dispute comes to an end. There is a subsidiary question as to whether compensation should be given to his heirs if the dismissal was improper. The legal representatives however are not employees of the Bank and cannot be regarded as workmen. It is somewhat difficult to hold that an industrial dispute now survives in a different form and with reference to different persons, though they may represent the deceased man. Even if we can do so, the materials before us do not show that the dismissal was illegal or improper. During the course of the inquiry however we asked the Bank whether in view of the fact that the final decision of the Board dismissing him was only on 19th May 1950 as the matter was reconsidered by them in the light of the Sen Award, the question of payment to the workman up to that date should not be considered by it. It may be that this final decision of 19th May was only a confirmation of the correctness, propriety and legality of the dismissal which took effect from 16th February 1949, in which case, there may be no question of further payment to the workman now deceased. These questions however do not arise now for the reason that in deference to an appeal for *ex-gratia* compensation sent to the Bank by the widow of the deceased the Bank's directors have been pleased to order payment, purely as a matter of bounty, of an amount which we consider to be decent and generous. In these circumstances, our award is that no relief can be given as a matter of right.

(Sd.) S. Panchapagesa Sastry, Chairman.

(Sd.) M. L. Tannan, Member.

(Sd.) V. L. D'Souza Member.

BOMBAY;
The 9th March, 1953.

[No. LR-100(30).]

New Delhi, the 26th March 1953

S.R.O. 620.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the Industrial Dispute between the Bank of India Ltd. and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1, Gurusaday Road, Ballygunge, Calcutta-19

BEFORE SHRI K. S. CAMPBELL-PURI, B.A., LL.B.—Chairman.

Reference No. 12 of 1952

BETWEEN

The Bank of India Limited,

AND

Their workmen

APPEARANCES:

Shri S. K. Acharya, President, assisted by Shri Prabhat Kar and Shri S. K. Ghosh, General Secretary, Bank of India Employees Union (Calcutta Branches) for the workmen.

Shri S. K. Basu, Advocate, assisted by Shri S. C. Sen of M/s Orr Dignam & Co., Solicitors, and Shri T. R. Lalwani, Agent, Calcutta Branch, for the Bank.

AWARD

By Notification No. LR-100(12), dated 22nd July 1952, the Government of India in the Ministry of Labour referred an industrial dispute existing between the Bank of India Limited and their workmen, in respect of the matter specified in the Schedule which reads as follows:

SCHEDULE

Whether the termination of the services of the under-mentioned persons from the Calcutta Branch of the Bank was justified and, if not, what relief should be granted to them:

1. Shri Pankaj Kumar Ganguli
2. Shri Ramendra Narayan Nandi
3. Shri V. Ramakrishnan
4. Shri Sudhir Chandra Das
5. Shri T. R. Radhakrishnan
6. Shri Ram Bhadra Misra
7. Shri Kamalendu Bhattacharjee
8. Shri Sachindra Nath Sen
9. Shri Gangadhar Bhattacharjee
10. Shri Adhir Chandra Basu
11. Shri Ramdulary Kahar
12. Shri Santa Prasad Panday
13. Shri Ramprasad Missir.

Usual notices were issued for filing written statements to both sides and on the completion of pleadings the case came up for hearing in due course in the first week of February 1953. The proceedings continued with an occasional break allowed on the request of the parties and concluded on the 10th March 1953. As the hearing in another Reference (Messrs Empire of India Life Assurance Company Ltd. Vs. Their workmen: Ref. No. 16 of 1951) was taken up soon after the dictation of award in this case was delayed.

The facts of the case initially detailed in the written statements of parties and subsequently amplified by adducing oral evidence on the record are long drawn and in some respects rather confused. The question involved however precisely is whether the temporary employees of the Bank of India Ltd. mentioned in the schedule, constitute a separate category so far the workmen of the company are concerned and the Bank was justified to treat them on different footing in resolving the impasse which arose on account of the strike of all the employees of the Bank. To be more explicit for the purpose of elucidation and proper understanding of the issue involved, the facts may be summarised as below. The employees of the Bank were smarting under various grievances since long and on the setting aside of the Sen-award by the Supreme Court in April 1951, the situation aggravated and a tripartite conference was called between the Government, the Banks, and the federation of the employees. A charter of demand was formulated and strike notice was given to the Employers. Some negotiations followed soon after but to no avail and on the 24th December 1951 after the expiry of the strike notice period the employees of different branches went on strike including the 13 applicants. The Employer Bank called upon all the employees to join their duty but there was no response and the strike continued till 5th January 1951. Meanwhile, the Government intervened and the employer agreed to allow the strikers to resume their duty but in the case of these 13 persons who happened to be the probationers or temporary hands the employer did not agree inasmuch as they had been served with a separate notice to attend on 23rd, 24th and 25th December 1951; and having failed to join their duties on the aforesaid dates were discharged from service on 27th December 1951. Now the Union case is that the Employer designedly made discrimination in the case of these 13 employees of whom some were probationers and others

temporary hands although in the matter of strike they were to be treated at par with the other employees. On the other hand, the Bank's case is that the month of December was the closing month of the year and the management was driven to work with a depleted staff on account of the strike. In the circumstances the Bank asked the temporary and probationary hands to attend their duty on 23rd December 1951 to which they agreed but subsequently betrayed the employer and as such there was a breach of contract on their part as well as failure of duty at a critical time and new hands were employed in substitution of the applicants. It was maintained that in the case of permanent workmen, it was not possible to engage new hands and as such the case of the applicants stands on different level.

The Employees Union examined Shri Sushil Kumar Ghosh, General Secretary of the Union (WW. 1), Shri Ramendra Narayan Nandy one of the probationers (WW. 2) and Shri G. N. Trikanand (WW. 3), a typist of the head office, Bombay. The Bank examined the Accountant of the Bank Shri Saroj Kumar Chowdhury in rebuttal besides the documentary evidence produced by both sides and exhibited on the record. Of the documentary evidence documents Exs. A, B, C, D and E relate to the grievances which led to the strike including the charter of demands (Ex. D). Ex. F is a letter dated 9th January, 1952 which deals with the grievance of the applicants subsequent to the strike whereby the General Secretary of the Employees Union approached the Agent of the Calcutta Branch of the Bank and drew his attention to the declaration of the Central Government under section 10 (3) of the Industrial Disputes Act, 1947 and called upon the management to allow the workers to resume their duties. Ex. G is a reminder dated 10th January 1952; while Ex. H is the reply sent by the Agent of the Bank of India, Calcutta Branch, to the General Secretary, Bank of India Employees Union (Calcutta Branch) whereby the Union was informed that the Bank was prepared to allow all the employees to resume their duties except those whose services were terminated prior to the appointment of the Tribunal. A list of these 13 employees whose services were dispensed with was given in this letter. Exs. J to N relate to further correspondence on the subject and hardly require any serious notice in the appreciation of evidence. Ex. P—a letter dated 14th January 1952—is another document which figured prominently in the course of arguments and as such is worthy of note. This document is a representation sent by the applicants under the signature of 12 (excluding only one sepoy) to the General Manager, Bank of India Ltd., Bombay wherein the applicants pleaded their helplessness in the matter of absence from the duty and urged that they were forced to stay out against their will when called upon by the management and prayed for the reconsideration of their case and reinstatement in service.

The Bank also relied upon more than a dozen documents of which Ex. 1 is a Circular No. 1951/50 which as stated by the Bank was issued to stress the urgency of the completion of arrears and posting of ledgers etc., upto date in December. Ex. 4 is a notice issued from the office of the Agent, Calcutta dated 31st December 1951 calling upon the employees of the Bank to resume their duties and also informing them that in case of failure to join duty on or before the 7th January 1952 their contract of employment would come to an end. Ex. 5 is another notice which in view of its significance is reproduced as below:

Ex. 5:

"Temporary clerks and clerks on probation are hereby informed that their position is quite different from that of the permanent employees, and that they would cease to be in the Bank's employment if they absent themselves from duty during the strike without leave, and that the Bank will not, under any circumstances, entertain any request for re-employment."

The 24th December 1951.

(Sd.) T. R. LALWANI, Agent."

Exhibits 6 and 7 are two copies of printed forms which the probationers and the temporary employees are asked to fill in at the time of appointment respectively. Ex. 9 series to Ex. 12 series relate to the separate notices sent to each of the employees to attend on or before 27th December 1951. Ex. 13 series deals with a different matter viz., the membership of the Union.

I need hardly add that I have given above the gist of the documentary evidence more with the object of analysing the evidence brought on the record for and against than for the purpose of actual discussion which followed on the close of evidence. Shri Acharya, the President of the Employees Union, arguing on behalf of the applicants mainly laid stress on the point of discrimination. It was argued that all employees, permanent, temporary or probationers constitute one category so far the definition of workman goes and when all went on strike the Bank was not

justified to discriminate between the permanent employees and the probationers or temporary hands as the applicants happened to have been at the time of strike. It was next urged that all employees including temporary and probationers at the Bombay branch were taken back in service on the close of the strike in the interest of industrial peace and harmony but at Calcutta branch the Agent dispensed with the services of the applicants earlier and special pleading has been made now at the time of adjudication in treating the applicants differently. Shri Acharya maintained that it was a case of discrimination which amounted to bad labour practice and the relief sought for namely reinstatement was called for. On the other hand Shri Basu the learned Counsel for the Bank in reply carried me through the previous history of the case and while dilating upon the grievances of the employees which led to the strike addressed at considerable length but in summing up he explained the Bank's position in the following words which were taken note of in the course of arguments. This statement be-speaks as follows:

"The Bank's position is that they did not participate in the strike but they were discharged as they agreed and still did not come to assist at the crucial time of closing year and failed to attend which amounted to indiscipline and breach of contract."

Analysing the above position Shri Basu referred to paragraphs 4 to 10 of the written statement as well as Ex. P—a letter dated 14th January 1952. It was argued that the Bank's practice in the matter of appointment to clerks on probation and temporary hands is that when a candidate applies for employment, he is called upon to fill in form Ex. 6 in the case of probationers and form Ex. 7 in the case of temporary hands, and thereby he binds himself to the stipulations laid down in the forms. The learned Counsel referring to Ex. 6 (form for probationers) maintained that the wording used therein are these:

"Any candidate accepted for probation may be dismissed within six months of his first joining or at the expiration of that period without the Bank assigning any reason whatever for such dismissal."

On the strength of terms embodied in printed form Ex. 6, Shri Basu maintained that the Employer was within his right to terminate the services of the applicants who were on probation within six months of their first appointment and otherwise on assigning reason for discharge. The argument was further stressed that the services of temporary hands as laid down in Ex. 7 were terminable without assigning any reason. The learned Counsel concluded that the case of these workmen was not analogous to permanent employees of the Bank who are trained workmen. The argument was reinforced that in the case of probationers and temporary hands recruitment of new staff was necessary and as the Bank anticipated trouble on account of the strike their posts were actually filled by new hands and some of whom have been confirmed by this time and in the circumstances the Bank was not in a position to take back the applicants in service. Shri Basu next referred to the representation of the applicants dated 14th January 1952 (Ex. P) and vehemently contended that the position taken up by the applicants in that representation would show that they double crossed both the employer and the Union and such turn coats who betrayed their own Union in making this representation were not worthy of any credence. In this connection it was denied that Shri S. K. Chowdhury, the Accountant had advised them to send that representation to the General Manager as alleged by the applicants.

Now on the appraisal of all the facts and circumstances which led to the discharge of these applicants from service I may say at the outset that the proceedings were needlessly prolonged in going into the grievances of the employees and the background of the charter of demands because there is no specific issue in the first place in regard to the legality or illegality of the strike and secondly when on the intervention of the Government the strike was called off and the employer agreed to take back into service all the strikers the sole question which falls for consideration is 'whether the Bank was justified in terminating the services of these 13 applicants.' Evidence on the question of strike may be a relevant factor as to what brought about the termination of the services of the applicants but beyond that it seems clear to me that the Tribunal is not called upon to enter into the grievances at this stage and to find as to whether such grievances comprising of overtime payment, hardship in the case of working hours, implementation of interim award etc. did not constitute good cause for launching the strike; as argued by Shri Basu on behalf of the Employer.

The question of strike furthermore has been relegated in the background and need not be gone into at all due to the stand taken up by Shri Basu on behalf of the Employer viz. that the applicants did not participate in the strike and their services were terminated only because they failed to assist the Bank at a critical time of the

closing of the year. On these premises I think, the case can be considered from two stand points: firstly (1) whether the applicants as urged by the Union actually participated in the strike and were victimized, and (2) whether their failure to join duty on the 23rd and 24th amounted to breach of contract in terms of Forms Exs. 6 and 7. Regarding point (1) the question arises whether temporary service could be treated on different footing from other employees in the matter of strike. The main argument advanced on the side of the employer and also urged in the written statement was that their appointment was of a temporary nature and as such the employer had a prior claim upon their service. To my mind, if the employees are to be divided into two different categories at the time of strike which admittedly is a weapon for the redress of grievances recognized by law although to be resorted in special circumstances, such distinction would strike at the basic concept of trade unionism. There are crisis in the life of organizations when collective action is necessary and resort to a strike is the one occasion for cohesion. If the employees are allowed to be treated differently merely on the score of length of service or conditions of service, it would work as a wedge in the ranks and affect the health and strength of Unions at this formative stage which the employer does not wish. Judged in this perspective I am of the opinion that the employer cannot be allowed to treat the temporary and probationary employees working in the same industry on a different footing in the matter of redress of grievances through a strike. It appears that the learned Counsel for the employer became conscious of this aspect of the question and took his stand on point No. (2) viz.—that the applicants were liable of breach of contract in their failure to join their duty on certain dates when called upon by notice. This requires further probing into the facts of the case. The record reveals that of the 13 persons applicants at Nos. 1, 2, 3 joined the Bank's service on the 1st March 1951; while No. (4) joined on 2nd March 1951. No. (5) took up his service on 3rd April 1951 and No. (6) was taken in service on 11th June 1951 while No. (7) on 15th June 1951, No. (8) joined the service on 18th June 1951. No. (9) joined on 5th December 1951 and No. (10) took up his appointment on 6th March 1951. The sepoys Nos. (11), (12) and (13) joined their service on 5th, 9th and 11th May 1951 respectively. All of them were admittedly discharged from service on 27th December 1951.

On the analysis of the above facts it will be seen that excepting No. (9) Shri Gangadhar Bhattacharjee, who joined on 5th December 1951 and served only for 22 days all others continued in service beyond the prescribed period of six months. EW-1 Shri Chowdhury has deposed that none of them was confirmed but the question of confirmation does not form the subject of issue and as such on admitted facts. It is to be accepted that excepting No. 9 all the employees were allowed to continue beyond the prescribed period of six months although they were not confirmed when the strike began. Now in the light of the arguments advanced by Shri Basu even within the four corners of Ex. 6 which so to say formed the agreement between the probationers and the employer it was incumbent upon the management to assign reasons for terminating their services inasmuch as they had passed the prescribed limit of six months and continued working beyond that. But as borne out from the letters of discharge (Ex. 9 series) no reason was assigned and the notices Ex. 9 series dated 24th December 1951 were only construed to the effect that they had vacated their post. This exhibit is reproduced in view of its significance as below:

Ex. 9:

"Dear Sir,

You were instructed to attend the Bank on the 23rd, 24th and 25th December 1951 for work.

I notice that you have failed to attend the Bank on 23rd and 24th instant as instructed.

Please note that unless you report for duty on or before the 27th instant, your service with the Bank will be liable to immediate termination.

Yours faithfully,

(Sd.) S. K. CHOUDHURY, P. Agent.

The last paragraph is again noteworthy and is susceptible to further consideration because the evidence on the record on this aspect of the question whether they did not join deliberately or failed to join owing to forced circumstances is conflicting. One of the probationers WW-2 deposed as under:

"On the receipt of the letter dated 24th December 1951 (Ex. O) I did not join as directed in that letter. The reason was that there was strong picketting and strike was going on. When the strike was over I reported for duty and offered my services. The Accountant, however,

did not allow me to resume my duty. It was on the 12th January 1952. Some other petitioners were also present at the gate and we had a discussion with the Accountant who directed us to come to his residence at Shilpore. We eight in number accordingly went to his house on 12th January 1952 at about 8 P.M. In the course of the discussion at that time the Accountant made a suggestion that we should file a proper petition and there we should mention that we did not join the strike and that we should not mention having participated in the strike because that would be resented by the General Manager who is an European. He also told us that he would try to convince the Local Agent for the resumption of our duty. We on his suggestion drafted a letter and got it approved from the Accountant, on the 14th January 1952. We eight persons drafted that letter and 12 signed. A copy of the letter dated 14th January 1952 sent to the General Manager under the signature of 12 persons is produced Ex. P."

On the other hand the Accountant, Shri Chowdhury, deposed in this connection as follows:

"The permanent hands of course joined their duty on the 12th January 1952 at about 10 A.M. All of them gathered together at the gate in the first instance and then entered in a queue. I was at the gate. I went there because they had reported to me that they had collected on the foot-path. Some of the petitioners might be there. Two or three of them approached me and they asked for joining their duties but I replied that as your services have been terminated and your case has been referred to the Government so they could not join their duties. They left on my reply. I never advised them to come to my house in the evening. What actually happened was that some eight or nine days after Mr. Sudhir Das and Bhattacharjee and four or five others came to my house and enquired as to whether I could help them in the matter of re-employment. I straightaway told them that I could not help them. Then they asked me that what they should do now. I told them definitely that I am in the opposite camp and so I could not advise them.

To Tribunal: I mean that I was on the Employer's side and so I could not help the employees.

The letter dated 14th January 1952 (Ex. P) was not drafted at my advice as said by the other side, nor it was shown to me for approval."

The two versions on the point of joining the duty on 12th January summarized above when read together leave little doubt that they went to office to join their duty and that there was some talk between the Accountant and the applicants for the reconsideration of their case. I would not go to the length of saying that the Accountant's statement was incredible but I am not prepared to believe that there was no such talk at all as he has chosen to say. He might not have been shown the draft for approval as alleged by the applicants but in natural course of events it appears that some casual suggestion was thrown to them by the Accountant that their case could only be considered if they disassociate themselves from the strike altogether. The wording of the representation (Ex. 4) need not be reproduced in full but the context of the talk irresistibly goes to show that the applicants took up the suggestion and worked over it by sending a representation to the General Manager because their services had already been terminated and they were being treated separately from the bulk of the employees who were allowed to resume their duties. The question arises as to whether their conduct in this respect should be taken as a justification for their discharge. The argument advanced by Shri Basu has not impressed me when considered in the light of the statement of Shri Chowdhury, the Accountant. It seems clear to me that the applicants who are probationers and temporary hands were at their wits end when they found themselves in the lurch having been detached from their companions, they took up the suggestion which suited the employer. When once their case was taken on a different footing a different plea had become necessary and if they threw themselves at the indulgence of the employer on the suggestion of the Accountant in whatever form it was given I do not see any substance in the argument that the same be construed prejudicially to the interest of the employees.

The other argument was that the applicants failed at a critical time i.e., on 23rd to 25th December on the closing of the year and as urged by Shri Basu although they agreed to come yet did not turn up and betrayed the employer on those crucial dates. The employee who came into the witness box was not asked this question specifically as to whether the applicants agreed but even if it may be taken as such I fail to understand how this one circumstance can justify the action of the employer in terminating their services when there was picketing and it was within the range

of possibility that if they had come they would have been thwarted from entering into the premises or could have incurred some risk when the strikers were also on the march to dissuade anyone to take up work. All these circumstances have some evidential value and taking a broad view of the case I am of the opinion that it is not established on the record that they deliberately failed to join their duty when called upon, if for the sake of argument it may be granted that they did not join the strike. There is yet another approach to the question viz. whether it was a simple case of terminating the services on the basis of certain conditions embodied in forms (Exs. 6 and 7) or whether abstention from duty was due to the strike of the employees. In case their services had been terminated normally within six months or after six months by assigning any cogent reason it would have been a different matter and it would mean that the men had no aptitude for work or that temporary work was over. In the absence of any such normal reason the one reason 'that they did not join their duty on the dates when the strike was on', does not lead to the inference that they deliberately avoided duty and vacated their post by wilful deliberate abstention. On ultimate analysis the position boils down to this that the applicants either participated in the strike and as such failed to join duty along with others or they could not join owing to picketing which fact was not disputed. Both these factors do not go against the applicants and the finding is that the Bank was not justified in terminating their services in the manner they adopted.

The next question is one of relief. The applicants were admittedly either probationers or temporary hands and even in general principle of employment they have no right upon the employer to continue in service even if the employer be called upon to take them back in service. The management naturally would be within its right not to confirm them or after some time dispense with their services on some other reasons. Without elaborating the point further I am of the definite opinion that it is not a fit case in which reinstatement should be allowed. This however does not mean that the termination of services which was not justified in the circumstances should go without any relief. The applicants normally should have continued for some time and in all probability some of them might have been confirmed. But circumstances conspired otherwise and their case was discriminated and their services were dispensed with as explained above. Now it is in evidence that the employer was prepared to pay them three months basic pay and allowances in the case of each workmen vide paragraphs 28, 29 and 30 of the written statement. They also approached the Government on the subject but it appears that the offer was not accepted by the Employees Union and the matter was referred to the Tribunal for adjudication. On careful consideration of all the facts and circumstances and the prospective career of the applicants I would allow six months basic salary plus allowances to all the applicants mentioned in the schedule they were drawing at the time of discharge as compensation by way of relief for unjustifiable discharge excepting No. 9 Shri Gangadhar Bhattacharjee who shall get three months basic salary plus allowances as already offered by the employer. The direction shall be carried out within one month from the date when the award becomes operative.

Now, therefore, this Tribunal makes its award in terms aforesaid this the 19th day of March 1953.

(Sd.) K. S. CAMPBELL-PURI, *Chairman*,
Central Government Industrial Tribunal, Calcutta.

[No. LR100(12).]

New Delhi, the 27th March 1953

S.R.O. 621.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following four awards of the Industrial Tribunal, Calcutta, in the matter of applications under section 33-A of the Industrial Disputes Act, 1947 (XIV of 1947).

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1, Gurusaday Road, Ballygunge, Calcutta—19.

Application No. E07/52 (u/s 33-A of the Act)

PARTIES:

Vvl. Abdul Jabbar, 9/1, Taltala Bazar Street, Calcutta—Applicant

Vs.

M/s. Beney Madhab Mookherjee & Co., 74, Bentinck Street, Calcutta—Opposite Party.

In the matter of an application dated 28th November 1952 preferred by Mvl. Abdul Jabbar u/s 33-A of the Industrial Disputes Act, 1947 (admitted during the pendency of proceedings in Reference No. 7 of 1951).

APPEARANCES:

None for the applicant.

Shri K. C. Mukherjee for M/s. Beney Madhab Mookherjee & Co., Calcutta.

AWARD

This is an application preferred by Mvi. Abdul Jabbar under section 33-A of the Industrial Disputes Act of 1947. The cause of complaint was alleged to have arisen during the pendency of the original Reference No. 7 of 1951 relating to an industrial dispute between the members of the Master Stevedores' Association, Calcutta and their workmen, represented by the Dock Mazdoor Union. The award in the original reference was published in the *Gazette of India* (Part II, Section 3), dated 22nd November 1952 and the application having been filed within one month of the publication of the award was admitted u/s 20(3) read with Section 17A and registered in this office as Application No. 107/52. Usual notice was issued to the Employer and on the completion of pleadings the hearing was fixed for to-day the 16th March 1953. The applicant meanwhile approached the Tribunal through a letter dated 9th March 1953, asking for the withdrawal of the complaint. It was alleged *inter alia* that he had decided not to proceed with the application without any undue influence or coercion exercised on him by the other side.

Neither the applicant was present today nor any other representative appeared on his behalf. Shri K. C. Mukherjee on behalf of the Employer states that the parties have composed their differences and the complainant has withdrawn the case as borne out from his application of withdrawal (Ex. A). In the aforesaid circumstances I am satisfied that the complaint needs no adjudication and the same shall be deemed to have been withdrawn. Awarded accordingly.

CALCUTTA :

The 16th March, 1953.

(Sd.) K. S. CAMPBELL-PURI, *Chairman*,
Central Government Industrial Tribunal,
Calcutta.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1, Gurusaday Road, Ballygunge, Calcutta—19.

Application No. 110/52 (u/s 33-A of the Act)

PARTIES:

Sk. Mazid, 9/1, Taltala Bazar Street, Calcutta—Applicant

Vs.

M/s. Beney Madhab Mookherjee & Co., 74, Bentinck Street, Calcutta—
Opposite Party.

In the matter of an application dated 26th November 1952 preferred by Sk. Mazid, u/s 33-A of the Industrial Disputes Act, 1947 (admitted during the pendency of proceedings in Reference No. 7 of 1951).

APPEARANCES:

None for the applicant.

Shri K. C. Mukherjee for M/s. Beney Madhab Mookherjee & Co., Calcutta.

AWARD

This is an application preferred by Sk. Mazid under section 33-A of the Industrial Dispute Act of 1947. The cause of complaint was alleged to have arisen during the pendency of the original Reference No. 7 of 1951 relating to an industrial dispute between the members of the Master Stevedores' Association, Calcutta and their workmen, represented by the Dock Mazdoor Union. The award in the original reference was published in the *Gazette of India* (Part II, Section 3), dated 22nd November 1952 and the application having been filed within one month of the publication of the award was admitted u/s 20(3) read with Section 17A and registered in this office as Application No. 110/52. Usual notice was issued to the Employer and on the completion of pleadings the hearing was fixed for to-day the 16th March 1953. The applicant meanwhile approached the Tribunal through a letter dated 9th March 1953 asking for the withdrawal of the complaint. It was alleged *inter alia* that he had decided not to proceed with the application without any undue influence or coercion exercised on him by the other side.

Neither the applicant was present today nor any other representative appeared on his behalf. Shri K. C. Mukherjee on behalf of the Employer states that the

parties have composed their differences and the complainant has withdrawn the case as borne out from his application of withdrawal (Ex. A). In the aforesaid circumstances I am satisfied that the complaint needs no adjudication and the same shall be deemed to have been withdrawn. Awarded accordingly.

CALCUTTA ;

The 16th March, 1953.

(Sd.) K. S. CAMPBELL-PURI, *Chairman*,
Central Government Industrial Tribunal,
Calcutta.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1, Gurusaday Road, Ballygunge, Calcutta—19.

Application No. 112/52 (u/s 33-A of the Act)

PARTIES:

Mvl. Abdul Rahaman, 9/1, Taltala Bazar Street, Calcutta—*Applicant*.

Vs.

M/s. Beney Madhab Mookerjee & Co., 74, Bentinck Street, Calcutta—*Opposite Party*.

In the matter of an application dated 26th November 1952 preferred by Mvl. Abdul Rahaman u/s 33-A of the Industrial Disputes Act, 1947 (admitted during the pendency of proceedings in Reference No. 7 of 1951)

APPEARANCES:

None for the applicant.

Shri K. C. Mukherjee for M/s. Beney Madhab Mookerjee & Co., Calcutta.

AWARD

This is an application preferred by Mvl. Abdul Rahaman, under section 33-A of the Industrial disputes Act of 1947. The cause of complaint was alleged to have arisen during the pendency of the original Reference No. 7 of 1951 relating to an industrial dispute between the members of the Master Stevedores' Association, Calcutta and their workmen represented by the Dock Mazdoor Union. The award in the original reference was published in the *Gazette of India* (Part II, Section 3), dated 22nd November 1952 and the application having been filed within one month of the publication of the award was admitted u/s 20(3) read with Section 17A and was registered in this office as Application No. 112/52. Usual notice was issued to the Employer and on the completion of pleadings the hearing was fixed for to-day the 16th March 1953. The applicant meanwhile approached the Tribunal through a letter dated 9th March 1953 asking for withdrawal of the complaint. It was alleged *inter alia* that he had decided not to proceed with the application without any undue influence or coercion exercise on him by the other side.

Neither the applicant was present today nor any other representative appeared on his behalf. Shri K. C. Mukherjee on behalf of the Employer states that the parties have composed their differences and the complainant has withdrawn the case as borne out from his application of withdrawal (Ex. A). In the aforesaid circumstances I am satisfied that the complaint needs no adjudication and the same shall be deemed to have been withdrawn. Awarded accordingly.

CALCUTTA ;

The 16th March, 1953.

(Sd.) K. S. CAMPBELL-PURI, *Chairman*,
Central Government Industrial Tribunal,
Calcutta.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1, Gurusaday Road, Ballygunge, Calcutta—19.

Application No. 115/52 (u/s 33-A of the Act)

PARTIES:

Mvl. Nabi Mahammad, 69 Pipe Road, Kidderpore, Calcutta—*Applicant*.

Vs.

M/s. Sarat Chatterjee & Co., Stevedores, 3, Mangoe Lane, Calcutta—*Opposite Party*.

In the matter of an application dated 12th December 1952 preferred by Mvl. Nabi Mahammad, Mate u/s 33-A of the Industrial Disputes Act, 1947 (admitted during the pendency of proceedings in Reference No. 7 of 1951).

APPEARANCES:

Mvi. Nabi Mahammad in person.

Shri S. N. Chatterjee for M/s. Sarat Chatterjee & Co., Calcutta.

AWARD

This is an application preferred by Mvi. Nabi Mahammad under section 33-A of the Industrial dispute Act of 1947. The cause of complaint was alleged to have arisen during the pendency of the original Reference No. 7 of 1951 relating to an industrial dispute between the members of the Master Stevedores' Association, Calcutta and their workmen, represented by the Dock Mazdoor Union. The award in the original reference was published in the *Gazette of India* (Part II, Section 3), dated 22nd November 1952 and the application having been filed within one month of the publication of the award was admitted u/s 20(3) read with Section 17A and registered in this office as Application No. 115/52. Usual notice was issued to the Employer and on the completion of pleadings the hearing was fixed for to-day, the 16th March 1953. The applicant meanwhile approached the Tribunal through a letter dated 10th March 1953 asking for the withdrawal of the complaint. It was alleged *inter alia* that he had decided not to proceed with the application without any undue influence or coercion exercised on him by the other side.

The applicant Mvi. Nabi Mahammad appeared in person and stated that he had come to settlement with the Company inasmuch as the job that he wanted has been given to him and as such he did not wish to proceed with the complaint. Shri S. N. Chatterjee on behalf of the Employer also endorsed the settlement with the applicant and in the circumstances I am satisfied that the complaint needs no adjudication. The same shall be deemed to have been withdrawn. Awarded accordingly.

CALCUTTA;

The 16th March, 1953.

(Sd.) K. S. CAMPBELL-PURI, *Chairman*,
Central Government Industrial Tribunal,
Calcutta.

[No. LR-3(165).]

New Delhi, the 4th April 1953

S.R.O. 622.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the Management of Godhur Colliery, P.O. Kusunda, and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE No. 24 of 1951

PRESENT:

Shri L. P. Dave, B.A., LL.B.—*Chairman*.

PARTIES:

The Management of Godhur Colliery, P.O. Kusunda.

Versus

Their workmen.

APPEARANCES:

Shri Kantil Mehta, Secretary, Indian National Mine Workers' Federation, Dhanbad,—for the workmen.

Shri K. K. Bakshi, Manager, Godhur Colliery,—for the management.

AWARD

By a notification No. LR.2(348), dated 14th August 1951 the Government of India in the Ministry of Labour, referred to this Tribunal the dispute between the management of Godhur Colliery, Kusunda, and their workmen in respect of the matters specified in the schedule annexed thereto. The schedule was as under:—

SCHEDULE I

- "1. Re-instatement of 125 workers who were retrenched in 1948 due to closing of the Pit No. 1 but remained in the colliery and applied for reinstatement on the opening of the pit.

2. Reinstatement of kamins discharged in January 1951 and subsequent months.
3. Reinstatement of discharged mazdoors."

2. Usual notices were issued to the parties and they filed their respective statements. The matter was fixed for hearing by my predecessor Shri S. P. Varma, but was adjourned from time to time. On his retirement, the dispute was referred for adjudication to me by the Government of India, Ministry of Labour, Notification No. LR-2(395), dated 4th February 1953. Notices were issued to the parties and they appeared before me on 23rd February 1953 when after hearing them and discussing the points in dispute, I framed necessary issues. The matter was then fixed for hearing on 10th March 1953, on which date four witnesses were examined on behalf of workmen and one on behalf of the management. Further hearing was adjourned till 11th March 1953 on which date the parties asked for time to settle the matter among themselves. The matter was accordingly adjourned to 12th March 1953 when the parties put in a memorandum of settlement arrived at between them.

3. To understand dispute between the parties, a few facts may be stated in brief. The Godhur Colliery was working its mine by pits, by inclines and also by quarries. It appears that there was a strike in Pit No. 1 in January 1948. A reference about it was made to this Tribunal and it declared the strike to be illegal. In the meanwhile, the pit No. 1 had been drowned and its working was resumed only in April 1951. The colliery which was also working two inclines and a quarry closed them on 1st November 1948, because the working of the inclines had become unsafe and the working of the quarries had been finished.

4. The case of the union firstly was that about 125 or 126 workmen who were discharged at that time should have been reinstated when the working of Pit No. 1 was resumed on 6th April 1951. They also urge that these persons should be reinstated at least now. The reply of the management was that they did not engage any new workmen when they resumed work in Pit No. 1 on 6th April 1951; but they engaged the workmen who were working in incline No. 25 whose working face had been finished by that time. By the memorandum of agreement, the management have agreed to engage 40 of the workers discharged on 1st November 1948 almost immediately; and for the rest, they have agreed to maintain a waiting list and also agreed that as and when any vacancies occur, they would engage the workers from this list and would not employ any other person. This is reasonable.

5. The second dispute between the parties was in respect of kamins who had been discharged by the management in 1951. The management have agreed to re-employ them almost immediately. The third dispute between the parties relates to some workers who had been discharged in 1950 and 1951. The management have agreed to put these persons on the waiting list along with the persons who were retrenched, as a result of the closing of two inclines in a quarry in 1948 and offer employment to them whenever there is a vacancy. This is also reasonable.

6. I therefore pass an award in terms of the memorandum of settlement arrived at between the parties:

AWARD

1. The management should employ the 40 persons who are mentioned in list Annexure 'A' of this award and the 44 kamins mentioned in Annexure 'B' on or before 27th March 1953. If however anyone of these persons is found to have been not in employment of the management after 1st January 1948, the management will be at liberty not to give employment to those persons. The management is to give employment to the persons out of these two lists even if some of them are found to have been convicted in a criminal case; but it is subject to the proviso that the convicted person or persons should express regret to the management for the incident for which they were convicted.
2. A waiting list shall be maintained by the management of the 215 persons mentioned in Annexure 'C' to this award. As and when any vacancy arises in the Colliery, the management shall inform the Union in writing about it. The Union will suggest persons suitable for those vacancies from the waiting list and the management shall accept these suggestions of the Union, unless it is proved from records that the persons suggested by the Union had not been in the employment of the management after 1st January 1948. The person or persons, thus selected must join within 15 days from the date of selection failing which the management may employ others.
3. Till the waiting list is exhausted, the management shall follow the above procedure and shall not employ any other person.

4. The Union will not press for compensation for the discharged workers mentioned in the above lists.
5. All the persons connected with the above dispute who are occupying the unlicensed and abandoned dhowrahs of the management will vacate the same on their being provided with proper licensed dhowrahs. As far as possible, the change should be such as not to cause inconvenience to the workers concerned.

I therefore give my award in terms aforesaid, this the 18th March 1953.

DHANBAD;

The 18th March 1953.

(Sd.) L. P. DAVE, Chairman,
Central Government Industrial Tribunal,
Dhanbad.

ANNEXURE "A"

- | | |
|----------------------|---------------------|
| 1. Balkisun. | 21. Ram Sahai (II). |
| 2. Garkha. | 22. Aklū. |
| 3. Thakuri. | 23. Dasai. |
| 4. Ramdhani. | 24. Khesari. |
| 5. Laldhari. | 25. Nanki. |
| 6. Budhu. | 26. Sukan. |
| 7. Bhado. | 27. Ramdhani (II). |
| 8. Sio Bhajan. | 28. Sukar Bhuian. |
| 9. Birhaspat. | 29. Lal Mohammed. |
| 10. Sukar Chamar. | 30. Kesar Bhuian. |
| 11. Ajima. | 31. Bideshi. |
| 12. Koka. | 32. Saukhi. |
| 13. Jhakhari. | 33. Motia. |
| 14. Biarhaspat (II). | 34. Telwa. |
| 15. Jagan. | 35. Siva. |
| 16. Bhatu. | 36. Mangra. |
| 17. Etwari. | 37. Somara. |
| 18. Fulchand. | 38. Dukhan. |
| 19. Kalla. | 39. Doman. |
| 20. Ram Sahai. | 40. Munshi. |

ANNEXURE "B"

List of kamins who were illegally discharged in Godhur Colliery.

Name	Designation	Date of discharge
1. Mongli Kamin	Boiler Kamin	13-1-51
2. Akhori Kamin	Do.	Do.
3. Sahadowa Kamin	Do.	Do.
4. Manwa Kamin	Trammer (Surface)	Do.
5. Rabni Kamin	Do.	Do.
6. Jashoda Kamin	Do.	Do.
7. Bachia Kamin	Do.	Do.
8. Soml Kamin	Do.	Do.
9. Parni Kamin	Do.	Do.
10. Jhapi Kamin	Do.	Do.
11. Kamli Kamin	Do.	Do.
12. Radhla Kamin	Do.	Do.
13. Kubutari Kamin	Picking Kamin	Do.
14. Bisuni Kamin	Do.	Do.
15. Somri Kamin	Do.	Do.
16. Kuntl Kamin	Loading Kamin	Do.
17. Girji Kamin	Do.	Do.
18. Kabutari Kamin (2)	Do.	Do.
19. Chamoria Kamin	Do.	Do.
20. Saraswati Kamin	Boiler Kamin	Do.
21. Radhika Kamin	Loading Kamin	3-2-51
22. Mangri Kamin	Do.	Do.

Name	Designation	Date of discharge
23. Sohagia Kamin	Loading Kamin	3-2-51
24. Sugni Kamin	Do.	10-2-51
25. Jaswa Kamin	Do.	Do.
26. Phagoni Kamin (2)	Do.	Do.
27. Panwa Kamin	Coal & Earth cutter	Do.
28. Lachmani Kamin	Do.	Do.
29. Koyli Kamin	Do.	Do.
30. Phunwa Kamin	Do.	Do.
31. Phagoni Kamin	Do.	Do.
32. Sitwa Kamin	Do.	Do.
33. Dhanswari Kamin	Do.	Do.
34. Bundia Kamin	Picking Kamin	Do.
35. Saraswati Kamin (2)	Do.	Do.
36. Phulmani Kamin	Boiler Kamin	Do.
37. Bisuma Kamin	Bharta Kamin	Do.
38. Susari Kamin	Do.	Do.
39. Soma Kamin	Do.	Do.
40. Mukhi Kamin	Do.	Do.
41. Chandmani Kamin	Do.	Do.
42. Nisada Kamin	Do.	Do.
43. Makni Kamin	Do.	Do.
44. Shrimati Kamin	Do.	Do.

ANNEXURE "C"

List of workers of Godhuv Colliery who were illegally discharged.

Name	Designation	Date of discharge
1. Bishu Teli	C. P. Miner	1-11-48
2. Raghu Turi	Do.	Do.
3. Ramjatan Pasi	Do.	Do.
4. Rami	Do.	Do.
5. Subaya Pasi	Do.	Do.
6. Balaiya	Do.	Do.
7. Sahtu Pasi	Do.	Do.
8. Dinwa Turi	Do.	Do.
9. Haru Huchi	Loader	Do.
10. Lakhia	Do.	Do.
11. Bhatni Kamin	Do.	Do.
12. Birni	Do.	Do.
13. Bandhani	Do.	Do.
14. Lodhari	Do.	Do.
15. Bhagiya	Do.	Do.
16. Sugiya	Do.	Do.
17. Kabia	Do.	Do.
18. Gengia	Do.	Do.
19. Koshila	Do.	Do.
20. Jasodh	Do.	Do.
21. Puniya	Do.	Do.
22. Punia (2)	Do.	Do.
23. Bhangia	Do.	Do.
24. Mohini	Do.	Do.
25. Reshmi	Do.	Do.
26. Jashoda	Do.	Do.
27. Rupia	Minor	Do.
28. Bandhan	Do.	Do.
29. Bansel	Do.	Do.
30. Gobind	Do.	Do.
31. Lathi Ram	Do.	Do.
32. Huro Turi	Do.	Do.

Name	Designation	Date of discharge
33. Ashrafi	Miner	1-11-48
34. Kesho Ghatwar	Do.	Do.
35. Somra	Do.	Do.
36. Soman	Do.	Do.
37. Mahabir Turi	Miner's Sirdar	Do.
38. Dukhanti	Engine Khalasi	Do.
39. Panwa Kamin	Loader	Do.
40. Bishuni	Do.	Do.
41. Lachmanwa	Do.	Do.
42. Bipati	Do.	Do.
43. Sonbari	Do.	Do.
44. Sonua	Do.	Do.
45. Jethni	Do.	Do.
46. Budhni	Do.	Do.
47. Jitni	Do.	Do.
48. Jhangu	Do.	Do.
49. Kari Kamin	Do.	Do.
50. Kasal Bhuiya	Do.	Do.
51. Reshmi Kamin	Do.	Do.
52. Rikhni	Do.	Do.
53. Bishuni	Do.	Do.
54. Lakhya	Do.	Do.
55. Sakli	Do.	Do.
56. Mungia	Do.	Do.
57. Sonia	Do.	Do.
58. Somra	Do.	Do.
59. Bifla	Do.	Do.
60. Bhuta	Do.	Do.
61. Panwa	Do.	Do.
62. Rukminia	Do.	Do.
63. Kunti	Do.	Do.
64. Fulia	Do.	Do.
65. Badamia	Do.	Do.
66. Dahia	Do.	Do.
67. Mahabir	Loading Kamin	Do.
68. Soni	Fitter	Do.
69. Somar	Haziree	Do.
70. Somra	Fireman	Do.
71. Bilasi	Do.	Do.
72. Suchandra	Picking Kamin	Do.
73. Upasi	Do.	Do.
74. Pari	Do.	Do.
75. Rama	Do.	Do.
76. Sugia	Trammer	Do.
77. Budamia	Do.	Do.
78. Akli	Do.	Do.
79. Dhanwa	Do.	Do.
80. Kalwa	Do.	Do.
81. Koshila	Do.	Do.
82. Bismi	Do.	Do.
83. Bhatni	Do.	Do.
84. Guhi Rawani	Do.	Do.
85. Dakhya	Do.	Do.
86. Dasai Bhuiya	Loading Sirdar	Do.
87. Jaghu Nonia	Miner & Stone Cutter	5-10-50 (approximate)
88. Brahmdeo Nonia	Do.	Do.
89. Manager Nonia	Do.	Do.
90. Chandradip Nonia	Do.	Do.
91. Bholi Nonia	Do.	Do.
92. Prasad Nonia	Do.	Do.
93. Longdhari Nonia	Do.	Do.
94. Dipti Kamin	Do.	Do.
95. Raimatia	Do.	Do.
96. Punia Kamin	Do.	Do.

Name	Designation	Date of discharge
97. Somri Kamin	Miner & Stone Cutter	5-10-50
98. Surji	Do.	approximate
99. Bianni	Do.	Do.
100. Jazbasia	Do.	Do.
101. Motia	Do.	Do.
102. Rambrish (2)	Do.	Do.
103. Jaso Kamin	Do.	Do.
104. Anarwa	Do.	Do.
105. Terri Kamin	Do.	Do.
106. Ramratan	Do.	Do.
107. Sibnarain	Do.	14-1-51
108. Malik Chand	Do.	Do.
109. Dhaneshwar	Do.	Do.
110. Deoni Kamin	Do.	Do.
111. Somri Kamin	Do.	Do.
112. Marchi Kamin	Do.	Do.
113. Sundri Kamin	Do.	Do.
114. Jiwa Kamin	Do.	Do.
115. Rajwa Kamin	Do.	Do.
116. Domri Kamin	Do.	Do.
117. Sugia Kamin	Do.	Do.
118. Kali Nonia	Do.	Do.
119. Ramrich	Do.	Do.
120. Jogia	Do.	Do.
121. Deolagni	Do.	Do.
122. Biri Nonia	Do.	Do.
123. Ramratan	Do.	Do.
124. Budhia	Do.	28-1-51
125. Rajwa	Do.	Do.
126. Jiwa	Do.	Do.
127. Bich	Do.	Do.
128. Ameri Beldar	Do.	Do.
129. Barhan Beldar	Do.	10-2-51
130. Ramphal	Do.	Do.
131. Narayan	Do.	Do.
132. Muneshwari Kamin	Do.	Do.
133. Bipati Kamin	Do.	Do.
134. Shanti Kamin	Do.	Do.
135. Punia Kamin	Do.	Do.
136. Hemlal Beldar	Do.	Do.
137. Phirangi Beldar	Do.	Do.
138. Baijnath Beldar	Do.	Do.
139. Birwa Beldar	Do.	Do.
140. Gahma Beldar	Do.	Do.
141. Mania Beldar	Do.	Do.
142. Sonapati Kamin	Do.	Do.
143. Basmaria Kamin	Do.	Do.
144. Kalu Beldar	Do.	Do.
145. Jitu Beldar	Do.	Do.
146. Khiru Beldar	Do.	Do.
147. Dhanuk Beldar	Do.	Do.
148. Mahabir Beldar	Do.	Do.
149. Ananda Kamin	Do.	Do.
150. Gurusahay Beldar	Do.	Do.
151. Rupchand Beldar	Do.	Do.
152. Chhotia Kamin	Do.	Do.
153. Balba Kamin	Do.	Do.
154. Kalu Kamin	Do.	Do.
155. Sanichari Kamin	Do.	Do.
156. Rajkumar Beldar	Do.	Do.
157. Shankar Cole	Do.	Do.
158. Rajkishore	Mining Sirdar	31-3-51
159. Atwari Turi	Munshi	Do.
160. Gokul Bauri	Propping Coolie	Do.
161. Bilash Bauri	Trammer	Do.
162. Somar Rajwar	Do.	Do.

Name	Designation	Date of discharge
163. Sukhdeo Kahar	Trammer	31-3-51
164. Jagdish Bawani	Do.	Do.
165. Sarju Gope	Miner	Do.
166. Aklu Cole	Do.	Do.
167. Birdhan Cole	Do.	Do.
168. Lilo Cole	Do.	Do.
169. Bhatu Cole	Do.	Do.
170. Chure Manjhi	Do.	Do.
171. Baru Cole	Do.	Do.
172. Kesho Manjhi	Do.	Do.
173. Jhari Roy	Do.	Do.
174. Indra Roy	Do.	Do.
175. Jyoti Roy	Do.	Do.
176. Baru Rajwar	Do.	Do.
177. Gunja Rajwar	Do.	Do.
178. Sonu Roy	Do.	Do.
179. Mohan Roy	Do.	Do.
180. Brihaspat Turi	Do.	Do.
181. Mangla Manjhi	Do.	Do.
182. Doman Rajwar	Engine Khalasi	1-4-51
183. Pado Bauri	Do.	Do.
184. Somra Bhuia	Fireman	Do.
185. Budha Bhuia	Do.	Do.
186. Kewal Ram	Depot Chaprasi	Do.
187. Bir Bahadur	Night Guard	Do.
188. Badri Lohar	Do.	Do.
189. Moti Chamar	Do.	Do.
190. Jatla Bhowa	Do.	Do.
191. Sambhu Bauri	Trammer	Do.
192. Bhikhari Turi	Do.	Do.
193. Prasadi Rajwar	Do.	Do.
194. Fagu Rajwar	Do.	Do.
195. Govind Ram	Do.	Do.
196. Chhoto Hari	Do.	Do.
197. Durga Hari	Do.	Do.
198. Bisu Rajwar	Do.	Do.
199. Mangla Bauri	Do.	Do.
200. Kariman Rajwar	Do.	Do.
201. Sitwa Rajwar	Do.	Do.
202. Mahadeo	Do.	Do.
203. Harihar	Do.	Do.
204. Pirka Rajwar	Do.	Do.
205. Chhedi Turi	Do.	Do.
206. Pado Mochi	Do.	Do.
207. Nathan Mochi	Do.	Do.
208. Kabua Bauri	Do.	Do.
209. Basudeo Bhuia	Loading Coolie	Do.
210. Sukra Bhuia	Do.	Do.
211. Bija Bhuia	Do.	Do.
212. Jamuna	Do.	Do.
213. Ramdhani	Do.	Do.
214. Machar	Picking Kamin	Do.
215. Janki Dhoba	Do.	Do.

[No. LR-2(348).]

ORDER

New Delhi, the 24th March 1953

S.R.O. 623.—Whereas the parties to an industrial dispute, namely, the employers in relation to the Chanch, Laikdih Deep, New Laikdih and Junkudar and Parbella Collieries and their workmen have applied jointly in the prescribed manner for a

reference of the dispute in respect of the matters specified in the joint application annexed hereto;

AND WHEREAS the Central Government is satisfied that the persons applying represent the employers and the majority of the workmen:

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947) the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Dhanbad, constituted under section 7 of the said Act.

ANNEXURE

WHEREAS an Industrial Dispute exists between the management of Andrew Yule & Co. Ltd., who are Managing Agents of Chanch, Laikdih Deep, New Laikdih and Junkudar and Parbella Collieries on the one hand and their workers represented by Bihar Colliery Mazdoor Sangh on the other, and it is expedient that the matters specified in the enclosed statement which are connected with the dispute should be referred for settlement by an Industrial Tribunal, an application is made hereby under Sub-section 2 of the Section 10 of the Industrial Disputes Act, 1947 that the said matter should be referred to an Industrial Tribunal.

This application is made by the undersigned representing Andrew Yule & Co. Ltd. and the Bihar Colliery Mazdoor Sangh.

A statement giving the particulars required under Rule 3 of the Industrial Disputes (Central) Rules, 1947 is attached.

(Sd.) Secretary,
Bihar Colliery Mazdoor Sangh
(Sd.) Chief Mining Engineer,
Andrew Yule & Co. Ltd

- (a) *Parties to the Dispute*—(1) Andrew Yule & Co., Ltd.
(2) Bihar Colliery Mazdoor Sangh, representing the workers of Laikdih Deep New Laikdih, Junkudar, Chanch and Parbella Collieries.
- (b) *Total number of workmen employed in the undertaking affected*—7,000.
- (c) *No. of workmen affected by the dispute*—5,000.
- (d) *Efforts made by the parties to adjust the dispute*—There were 19 demands. Conciliation was held before the Conciliation Officer (C) Dhanbad, but it failed. The workers decided to go on strike from 21st July 1952. Again conciliation was held by the Regional Labour Commissioner (Central), Dhanbad and the Conciliation Officer (Central), Dhanbad. The parties reached agreements on other points but they could not agree with regards to the matters set forth in statement attached below.
- (e) *Specified matters to the disputes*—(1) The workmen when they go on leave and return for work after the expiry of leave should get return railway fare with retrospective effect.
(2) The workers should get uniform and footwear at concession price and cloth at half price from 1948.
(3) The coal cutters should be supplied empty tubs at the working face or be paid extra wages for pushing empty tubs from the point where the trammers leave to the working face.
(4) Those workers who are not provided with quarters by the management should get house rents.

(Sd.) R. S. SHARMA, Secretary,
Bihar Colliery Mazdoor Sangh.

(Sd.) JAMES JAMISON.

22nd July 1952.

Chief Mining Engineer, Andrew Yule & Co. Ltd.

[No. LR-2(377)]
P. S. EASWARAN, Under Secy.

New Delhi, the 28th March 1953

S.R.O. 624.—In exercise of the powers conferred by Section 35 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950), the Central Government hereby directs that the following amendments shall be made in the Industrial Disputes (Appellate Tribunal) Rules, 1951, namely:—

After rule 21 of the said Rules, the following rule shall be inserted, namely:—

21A. Authority before whom affidavit may be sworn.—Affidavits for the purpose of any cause, appeal or matter before the Tribunal may be sworn before any authority mentioned in section 139 of the Code of Civil Procedure, 1908 (Act V of 1908) or before an officer of the Tribunal generally or specifically authorised in that behalf by the Tribunal on payment of such fees as the Tribunal may specify.

[No. LRI/1(251)].

S. V. JOSHI, Dy. Secy.